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of witnesses
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1st July 1953.

1st sitting
Time 8-15 a.m.

Present:

Hon'ble Mr. Justice Muhammad Munir	}	President
Chief Justice		
Hon'ble Mr. Justice M.R. Kayani		Member
Mr. Abdul Aziz Khan, Advocate-General Punjab,		
(present by request)		

Copy of the official gazette constituting the Court of Inquiry and the notification appointing members of the Court placed on record.

The Court frames the following rules of procedure:-

- (1) The seat of the Court shall be at Lahore.
- (2) The quorum for the Court will be one and each member may at the same time sit singly:

Provided that either member may reserve a point for the consideration of, or a part of the proceedings to be held before, the full Court.

- (3) The Court will not be bound by the Evidence Act and may take evidence by affidavits or by verified written statements:

Provided that the persons making the affidavit or filing the written statement may at any stage be required to give evidence in Court.

- (4) The court may name any person or organization as a

Party to the proceedings.
1-7-53..

Sd/- M.R.Kayani.
Member.

Sd/- M.Munir.
President.

The Provincial Government is requested to intimate the name of the counsel appointed to conduct the proceedings before the Court under Rule 11 of the Ordinance.

A Press Note should issue requiring the persons and organizations interested in the inquiry to intimate to the Court whether they wish to be named as parties to the proceedings.

The following organisations are named as parties to the proceedings:-

- (1) The Provincial Government of the Punjab,
- (2) Master Taj-ud-Din as Sadar Majlis Ahrar, Lahore,
- (3) Sadar (Central) Anjuman-i-Ahmadiya, Rawah (Distt. Jhang),
- (4) The Punjab Provincial Muslim League, Lahore,
- (5) Jamaat-i-Islami, Lahore.

Notice should go to these bodies requiring them to submit their respective cases on each of the terms of reference in the form of a verified written statement indicating in particular their attitude towards the Ahrar-Ahmadiya controversy. The Inspector-General of Police Punjab (Mr. Anwar Ali), D.I.G., Lahore Range (Mr. S.N. Alam), the District Magistrate, Lahore (Sayyed Ejaz Husain Shah), the Senior Superintendent of Police (Mr. Naeem-ud-Din) and the Secretary to Punjab Government who was incharge of the Department of Law and Order during the disturbances, are directed to state their respective cases on each of the terms of reference, namely, (i) the responsibility for the disturbances; (ii) the circumstances leading to the declaration of the Martial Law in Lahore on the 6th March 1953; and (iii) the adequacy or otherwise of the measures taken by the Provincial civil authorities

to prevent and subsequently to deal with the disturbances. Each of them will specifically state what action was taken by the Military which could not have been taken by him in quelling the disturbances. The police officers mentioned above will further state the quantity of the ammunition actually issued and used during the disturbances and the number of the casualties. The District Magistrate will give a complete statement in respect of the magistrates who were detailed to deal with the disturbances and the instructions issued to them, and the reports, if any, made by them. He will also submit copies of all orders issued under section 144 of the Code of Criminal Procedure together with instances of breaches of those orders and the action taken thereon. The District Magistrate will also state whether any requisition for the military under section 129 of the Code of Criminal Procedure was made and with what result. If no such requisition was made, he will give reasons for the omission.

The District Magistrates and the District Superintendents of Police who were posted at Rawalpindi, Sialkot, Lyallpur, Gujranwala and Montgomery on 6th March 1953 are required to submit a detailed account of the disturbances in their respective districts, their origin and development, the measure taken to suppress them and the offences committed or reported during and having reference to the disturbances, together with a copy of the first information report in each case. They should also

submit copies of extracts from daily situation reports, special reports and weekly reports sent to Government or any superior authority from 1st January 1953 to 15th May 1953 in relation to the anti-Ahmadiya Movement and the consequent disturbances. They will specifically mention all instances of incitement to violence on the part of any individual or organization, and also disclose all references about the situation made by them to Government and all instructions received by them from Government.

A letter will issue to Major-General Muhammad Azam Khan, Officer Commanding 10th Division, requesting him to give a complete description of the situation at the time of the proclamation of Martial Law and the reasons which led him to proclaim Martial Law.

Written statements to be filed by the 15th July 1953.

Sd/- M. MUNIR.
President.

Sd/- M. R. Kayani.
Member.

1st July 1953.

2nd July 1953.

2nd sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir	}	President.
Chief Justice.		

Hon'ble Mr. Justice M.R. Kayani.	Member.
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A press note should issue in the following terms:-

It is notified for public information that any person who wishes to give evidence before the Court of Inquiry constituted under the Punjab Disturbances (Public Inquiry) Ordinance, 1953, in relation to any of the terms of reference appearing hereinafter, should communicate with the Secretary of the Court, submitting a brief statement of the evidence he proposes to give. This statement will be kept confidential until the intending witness chooses to appear in Court and gives formal evidence. He should also disclose whether he wishes to be examined in camera or in public and at what place. The statement in question should be submitted by the 15th July, 1953.

The terms of reference are as follows:-

(1) the responsibility for the disturbances;

- (ii) the circumstances leading to the declaration of the Martial Law in Lahore on the 6th of March, 1953; and
- (iii) the adequacy or otherwise of the measures taken by the Provincial Civil Authorities to prevent and subsequently to deal with the disturbances.

Sd/- M. MUNIR.

President.

Sd/- M. R. Kayani.

Member.

2nd July, 1953.

3rd July 1953.

3rd sitting.

PRESENT:

Hon'ble Mr. Justice Muhammad Munir	}	PRESIDENT
Chief Justice		
Hon'ble Mr. Justice M. R. Kayani		MEMBER
Mr. Abdul Aziz Khan, Advocate-General, for the Punjab Government.		

The following organizations are added as further parties to the proceedings:-

- (1) Majlis-i-Tahaffuz-i-Khatm-i-Nabuwwat, ✓
- (2) The Council of Action appointed by the aforesaid Majlis,
- (3) The Committee of Management or the Mutawalli of Masjid Wazir Khan and Maulana Muhammad Khalil, Khatib, Masjid Wazir Khan.

A notice in terms of our order dated 1st July 1953 should issue to these parties returnable before 15th July 1953.

The Commissioners of Lahore, Rawalpindi and Multan Divisions should submit statements on the terms of reference concerning the Divisions of which they held charge on 6th March 1953. Each of these officers will describe in detail the part that he took in directing the policy of the District Magistrates in his Division regarding the anti-Ahmadiya agitation and the suppression of the disturbances. He will also state what suggestions, if any, he made to Government about the measures to be adopted to suppress the disorders and whether he made any suggestions to the District Magistrates to requisition military aid under section 129 of the Code of Criminal Procedure, in case such aid became necessary.

It is stated by the counsel for the Punjab Government

It is stated by the counsel for the Punjab Government that Mr. Abdul Majid, who was the Chief Secretary on 6th March, 1953, is proceeding on four month's leave and that at present he is in Karachi from where he is expected to sail or fly on 10th July. As his statement in terms of our order dated 1st July 1953 is necessary for the progress of the Inquiry, a request should be made to the Punjab Government to the effect that Mr. Abdul Majid's statement in compliance with our aforesaid order should be obtained from him before he leaves.

The Punjab Government is directed to produce for information of the Court all reports made by the Punjab C.I.D. to Government regarding the activities of the Ahrars and other persons who were sponsoring the anti-Ahmediya Movement, together with the action taken by Government on such reports. Similar reports made by the C.I.D. about the activities of the Ahmadias and the action taken thereon should also be produced. The Punjab Government is further requested to produce all correspondence or communication relating to the anti-Ahmediya Movement and the consequent disturbances that passed between the Punjab Government and the Central Government together with any instructions, if any, received from the Centre.

The report of the inquiry into the Multan Disturbances held by Mr. Justice Kayani last year should also be produced.

Sd/- M.R. Kayani.
Member.

3rd July 1953.

Sd/- M. Munir,
President.

7th July 1953.

4th sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir	}	President
Chief Justice		
Hon'ble Mr. Justice M.R. Kayani		Member
Mr. Abdul Aziz Khan, Advocate-General Punjab, assisted by Ch. Fazal Ilahi for the Punjab Government.		
Mr. Ghias Muhammad, Advocate, for Maulana Abul-ala Maududi.		

Though the Majlis-i-Ahrar has been declared to be an unlawful association, any person who was a representative of that organization as it existed before its being declared unlawful, will be competent to take part in the proceedings before the Court

Mr. Ghias Muhammad, counsel for Maulana Abul-ala Maududi has put in an application praying that the Maulana, who is being confined in jail at Mianwali, be transferred to Lahore and granted access to documents which are either with the Martial Law authorities or with the police, in order to enable him to prepare his written statement. Notice of this to the Advocate-General Punjab for tomorrow.

Under section 5 of the Ordinance we appoint Mr. Muhammad Hussain, Superintendent of Police, C.I.D, a commissioner -

(1) to examine the Superintendent, Press Branch, about publications, including periodicals and daily newspapers, that have appeared since August 1947 in support of the anti-Ahmadiya Movement and to take all such publications in possession;

(2) to examine the disbursing officer of the Adult

Literacy Fund about the constitution and disbursement of that fund. The commissioner will in particular ascertain whether any monies from this fund were appropriated, directly or indirectly, to subsidise any newspaper or publication engaged in the anti-Ahmadiya Movement;

(3) to examine the officer in charge of the department of Islamiyat to discover whether any monies of that department were disbursed among religious preachers, and if so, whether those preachers engaged themselves in the anti-Ahmadiya Movement.

The Inspector General of Police Punjab is directed to furnish information as to the following:-

(1) The strength of the Regular Police Force and the Punjab Constabulary, the number of Gazetted Officers, upper subordinates and lower subordinates to be shown separately, in the Corporation and Lahore Cantonment limits on 1st March 1953, including the strength in the Police Lines. The number and types of weapons available for use by these forces should also be mentioned.

(2) The strength of the Border Police stationed in the Border Police Lines, Lahore Cantonment, on 1st March 1953. The number and types of weapons available for use by this force may also be stated.

(3) The total strength of the Regular Police Force, the Punjab Constabulary and the Border Police, if any, stationed in the towns of Gujranwala, Sialkot, Lyallpur, Montgomery and

Rawalpindi on 1st March 1953, the number of Gazetted Officers, upper subordinates and lower subordinates to be stated separately. The number and types of weapons available for use of the aforesaid forces to be mentioned.

(4) Whether any additional force was requisitioned by any of the above-mentioned districts from the surrounding districts, if so, the strength of the force so requisitioned.

(5) The strength of the Regular Police Force, the Punjab Constabulary and the Border Police stationed in the district of Lahore and the districts mentioned above on 1st March 1953.

The Inspector General of Police will also state whether he has any objection to the disclosure of this information to any party.

Notice by three alternate insertions in the English and Urdu papers to issue informing the public that any person who wishes to give evidence before the Court in relation to any of the terms of reference should communicate with the Secretary to the Court, submitting a brief statement of the evidence he proposes to give. This statement will be kept confidential until the intending witness chooses to appear in Court and gives formal evidence. The witness should also disclose whether he wishes to be examined in camera or in public and at what place. The information should be given by the 22nd July 1953 in supersession of the date 15th July 1953 announced earlier in the Press Note dated 2nd July 1953.

Sd/- M. MUNIR
President.

7th July 1953.

Sd/- M.R. KAYANI
Member.

8th July 1953.

5th sitting.

PRESENT:

Hon'ble Mr. Justice Muhammad Munir } President.
Chief Justice }

Hon'ble Mr. Justice M. H. Kayani. Member.

Mr. Abdul Aziz Khan, Advocate-General Punjab,
assisted by Ch. Fazal Ilahi, for the Punjab
Government.

Mr. Ghias Muhammad, Advocate, for Jama'at-i-
Islami, Lahore.

Mr. Nazim Ali Azhar, Advocate, for the
Majlis-i-Ahrar.

We have heard the application of Mr. Ghias Muhammad,
Advocate, on behalf of Maulana Abul-ala Maudoodi, and also the
Advocate-General, Punjab. We direct as follows:-

- (1) (i) Maulana Abul-ala Maudoodi should be removed from
Mianwali Jail to the Central Jail at Lahore
and intimation of his arrival sent to this
Court. Upon his arrival, Mr. Ghias Muhammad
can apply for interview with him. ✓
- (ii) The Advocate-General should arrange for the
production of the records of the Jama'at ✓
which have been taken by the Martial Law
authorities or the police. Orders for the
inspection of these documents will be made
when they are available.

(2) Malik Muhammad Amin has suggested that the Anjuman-i-Ahradiya-Isha'at Islam, Lahore, be also made a party. We accept the suggestion and order accordingly. The Anjuman should put in a written statement in terms of our order dated the 1st of July 1953, by 17th July.

Sd/- M. Munir.

President

Sd/- M.R. Kayani.

Member.

8th July 1953.

9th July 1953.

6th sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir } President.
Chief Justice. }

Hon'ble Mr. Justice M.R. Kayani. Member.

Mr. Abdul Aziz Khan, Advocate General, assisted
by Ch. Fazal Ilahi, for the Punjab Government.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. Ghias Muhammad, Advocate, for Jama'at-i-Islami.

Maulana Daood Ghazanvi for the Majlis-i-Amal.

It is prayed in para: 3 of the application presented by Maulana Daood Ghazanvi that this Court should notify to the people throughout the province by means of posters, announcements by loud-speakers and such other measures as may be considered fit, to come forward to give true evidence without any fear of being victimised and that the Government may also be moved to take suitable action to create a better atmosphere for the successful conduct of the Inquiry. In response to this application the learned Advocate General, Punjab, states that the Hon'ble Chief Minister has directed the following press-note to be issued on behalf of the Government.

"As the public are aware, a court of Inquiry has been set up by Government in connection with the recent disturbances. The Punjab Government hope that all concerned will come forward to give true evidence

before the Court of Inquiry relevant to the terms of reference, without any fear or favour."

We think that the press-note will go a long way to remove the fear, if any such fear may exist, in the minds of persons who intend to give evidence before the Court on any of the terms of reference. The Court has explained to Maulana Daood Ghazanvi that if any instance of intimidation or victimisation be brought to the notice of the Court of Inquiry, proper steps for punishing the offenders for contempt of Court will unhesitatingly be taken.

In the other two applications, one presented by Mr. Mazhar Ali Azhar and another by Maulana Daood Ghazanvi, it is alleged that ten persons, who are either members of the quondam Majlis-i-Ahrar or Majlis-i-Amal, are being detained under the Safety Acts in different Provinces and that unless they are released or brought here, it is not possible to present representative written statements on behalf of the Majlis-i-Ahrar or the Majlis-i-Amal. The prayer for the release of these persons is opposed by the Learned Advocate-General, but he states on behalf of the Punjab Government that if the Court considers it necessary that for a proper presentation of their cases these detainees should be brought to Lahore, the Punjab Government will use its good offices with the other Governments

under whose orders they are being detained, to have them transferred to the Punjab for the purposes of the Inquiry. We consider that the presence of these persons is necessary for a proper conduct of the Inquiry and request the Punjab Government to take up the matter with the several Governments under whose orders they have been confined. ✓

After the detainees have been brought to Lahore, Mr. Mazhar Ali Azhar will immediately get into touch with them and let the Court know when he would be able to put in the requisite written statement.

Mr. Ghias U' hammad prays that Mr. Muhammad Hussain Superintendent Police, C.I.D., should also be directed to question the Superintendent, Press Branch Lahore, about the literature published by the Ahmadiis which might be considered to be offensive to the general body of Muslims and that all such literature should be taken into possession and produced before the Court. The suggestion is reasonable and we order the Commissioner to carry it out.

Sd/- M. Minir.

President

Sd/- M.R. Kayani.

Member

9th July 1953.

7th sitting.

Statement of Hafiz Abdul Majid, Chief Secretary
perused and placed in a confidential cover. In view of
the position taken up by him, a letter should issue to
Mr. S. Ghias-ud-Din, Home Secretary, to submit his
written statement before the 20th July.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

13th July 1953.

15th July 1953.

8th sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir President.

Chief Justice.

Hon'ble Mr. Justice M.R. Kayani. Member.

Mr. Abdul Aziz Khan, Advocate General, assisted by
Ch. Fazal Ilahi, for the Punjab Government.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Sheikh Bashir Ahmad, Advocate, assisted by Ch. Asad
Ullah Khan, Advocate, for the Jama'at-
i-Ahmadiya, Rawah.

Ch. Kazir Ahmad Khan and Malik Muhammad Nadir,
Advocate, for Sh. Ghias Muhammad,
Advocate, for Jama'at-i-Islami.

Mr. H.S. Suhrawardy, Advocate, for the Majlis-i-
Amal of Majlis-i-Tahaffuz-i-Khatm-i-Nabuwwat.

After perusing the written statement, so far received,
we consider it necessary to require Mian Muntaz Muhammad Khan
Daulatana, the ex-Chief Minister, to submit a written state-
ment on behalf of the previous Ministry in terms of our order,
dated 1st July, and to communicate to this Court whether he
would like to be made a party to the proceedings. The written
statement may be submitted by the 3rd August.

We understand from one of the written statements that
on 5th March three meetings were held (1) a meeting of the
Punjab Cabinet under the Chairmanship of His Excellency the
Governor, which was also attended by the General Officer
Commanding the Tenth Division, and in which certain decisions

were taken, (2) a meeting held by the Punjab Government which was attended by selected citizens of Lahore to issue a joint appeal for peace, and (3) a meeting of the Cabinet, the same evening, in which it was decided that the public should not be provoked into violence.

The Advocate-General, Punjab, is directed to produce the record, if there be any, of these meetings for the inspection of the Court.

Sd/- M. MUNIR.
President.

Sd/- M. R. Kayani.
Member.

15th July 1953.

INCIDENT 1. ORDERS.

Application, dated 13th July 1953, by Maulana Abdus Sattar Khan Niazi, a prisoner in the Central Jail, to be made a party to the proceedings before the Court.

This application has been submitted by Maulana Abdus Sattar Khan Niazi from jail praying that, for the reasons stated in the application, he should be made a party to the proceedings. The Maulana does not belong to any of the parties who are interested in the controversy. We do not, therefore, see any sufficient reason to make him a party at the present stage. He is, however, directed to put in a written statement as an individual in terms of our orders, dated 1st July 1953, and, after we have perused his statement, we shall consider the question whether he should or should not be examined as a witness.

Application, dated 11th July 1953, by Mr. Bashir Ahmad, for the Sadar Anjuman-i-Ahradiya, Pakistan (Rabwah) for production of certain documents relating to the Ahrars..

The applicant should specify the documents which he requires to be produced.

Applications, dated 10th and 15th July 1953, by Messrs Nazir Ahmad Khan and Ghias Muhammad, advocates, praying that they and four other persons should be allowed to

interview Maulana Maudoodi and eight other persons in Lahore Central and Borstal jails.

Messrs Nazir Ahmad Khan and Ghias Muhammad on behalf of Jama'at-i-Islami, have put in two separate applications praying that they and four other persons should be permitted to interview together Maulana Maudoodi and eight other persons who are confined in jail. We direct that the necessary interview should be arranged tomorrow from 9 a.m. to 11 a.m. at the Central Jail, Lahore.

Application dated 15th July 1953, by Messrs Nazir Ahmad Khan and Ghias Muhammad, praying that Mirza Bashir-ud-Din Mahmood may be impleaded as a party to the present proceedings.

It is not alleged that the Anjuman already made a party does not represent the true religious view of the Ahmadis. Petition dismissed.

Application, dated 14th July 1953, by Said Malik, praying that the Editor, Printer and Publisher of the Civil & Military Gazette, Lahore, should be dealt with according to law for publishing an editorial tending to interfere with the course of the present inquiry.

Notice for 20th July.

Requests by the Chief Secretary to Government, Punjab, the Inspector-General of Police, Punjab, and by Mr. Bashir Ahmad, Advocate, on behalf of Sadar Anjuman-i-Ahmadiya, for extension of time.

The time for submission of written statements is extended to 22nd July 1953.

Sd/- M. MUNIR.

President.

Sd/- M. R. KAYANI.

Member.

15th July, 1953.

Present:

Hon'ble Mr. Justice Muhammad Munir } President.
Chief Justice.
Hon'ble Mr. Justice M.R. Kayani. Member.

Mr. Abdul Aziz Khan, Advocate-General, assisted by
Ch. Fazal Ilahi, for the Punjab Government.

Mr. Yakub Ali Khan for Mian Muntaz Muhammad Khan
Daultana.

Mr. H.S. Suharawardy, Advocate, for the Majlis-i-
Amal of Majlis-i-Tahaffuz-i-Khatm-i-Nabuwat.

Mr. Ghias Muhammad, Advocate, for Jama'at-i-Islami
and Mr. Muhammad Ismail Bhatti, Advocate, for
Mr. Nazir Ahmad Khan, Advocate.

Sheikh Bashir Ahmad, Advocate, assisted by
Ch. Asadullah Khan, Advocate, for the Sadar
Jama'at-i-Ahmadiya, Rabwah.

Mr. Nazhar Ali Azhar, Advocate, for Majlis-i-
Ahrar.

Ghazi Siraj-ud-Din Munir in person.

M. Abdul Aziz, Secretary of the Anjuman-i-Ahmadiya
Jama'at-i-Islam, Lahore, in person.

Ghazi Siraj-ud-Din Munir has put in a petition praying
that he be made a party to the proceedings. He alleges that he
is the founder of a movement called Tehrik-i-Islam and Mujahid-
Musalmeen and that it was he who originally started the anti-
Ahmadiya Movement. He has also submitted a long written state-
ment setting his case on the three terms of reference. We order
him to be impleaded as a party.

Mian Muntaz Muhammad Khan Daultana, ex-Chief Minister,
Punjab, has presented a petition through Mr. Yaqub Ali Khan,
Advocate, praying that he be impleaded as a party to the
proceedings. We accept the application and make him a party.

His second prayer is that he should be permitted to inspect certain official files before he is required to put in his written statement. Notice of this to the Advocate-General for 3rd August at Murree.

The third prayer in the application is that he should be permitted to inspect written statements which have so far been put in by the parties or by individuals. We order that if the maker of any such statement has not claimed privilege, the inspection of the statement may be allowed, but we reserve for consideration and decision the question whether the Mian Sahib is also entitled to inspect statements put in by persons or parties who have claimed privilege. Notice of this to the Advocate-General for 3rd August. Mian Sahib need not put in his written statement, as originally ordered, on 3rd August.

Maulana Abdus Sattar Khan Niazi has applied through Mr. Ghias Muhammad for the extension of time for filing the statement by ten days. Time allowed as prayed.

Mr. Bashir Ahmad on behalf of the Sadar Anjuman-i-Ahmadiya, Rabwah, has applied for production of files of eleven persons which are alleged to be in the possession of Government. Mr. Abdul Aziz Khan, Advocate-General, on behalf of the Punjab Government opposes this application on the ground that the documents are confidential and refer to matters of State for

which the Government claims privilege. It is unnecessary to decide this question at the present stage because it is only when these documents are required in proof of a party's case that the question of their production will arise.

On an application on behalf of the Ahmadiya Anjuman-i-Isha'at-i-Islam, Lahore, for extension of time to put in the written statement, time is extended as prayed to 1st August 1953.

Mr. Abdul Aziz Khan has made an application on behalf of the Punjab Government stating that "there is plenty of material relevant to the issues before the Court" available in the districts of Rawalpindi, Sialkot, Gujranwala, Lyallpur and Montgomery, and praying that a commissioner be appointed to collect and record evidence in these districts. Under the Ordinance constituting the Court of Inquiry we can direct a commissioner only to record the statement of a particular witness but we have no authority to require any person, official or not, to go about and carry on a general investigation. The application is, therefore, dismissed. It is of course quite open to Government to make any kind of inquiry that they like and formally to produce that evidence before us because the

Punjab Government is a party to the proceedings.

Permission to Mr. Ghias Muhammad, counsel for Jama'at-i-Islami, to inspect records summoned on behalf of Jama'at-i-Islami granted.

:/- M. MUNIR.

President.

Sd/- M. R. KAYANI.

Member.

20th July 1953.

20th July 1953.
(Contd:)

We would require several days to pursue the written statements and to prepare a list of witnesses whom we would like to examine. The proceedings are therefore adjourned to 3rd August when the Court will meet at Murree to determine the course of further proceedings. All witnesses who can be conveniently examined at Murree will be examined there on dates to be duly announced.

Sd/- M. MUNIR.
President.

Sd/- M. R. KAYANI.
Member.

20th July 1953.

3rd August 1953.

10th sitting.

Present:

The Hon'ble Mr. Justice Muhammad Munir, President.

The Hon'ble Mr. Justice Kayani, Member.

Mr. Abdul Aziz Khan, Advocate-General, and
Mr. Fazal-i-Ilahi, Advocate, for Government.

Mr. Yaqub Ali Khan, Advocate, for Mian Muntaz
Muhammad Khan Daultana.

Mr. Bashir Ahmad, Advocate, for Sadr, Anjuman-i-
Ahmadiya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the Ahrar.

Maulana Daud Ghaznavi in person for Majlis-i-Amal.

Maulana Siraj-ud-Din Munir in person, for
Tehrik-i-Islam.

Mr. Safdar Hasan Siddiqi in person for
Jamaat-i-Islami.

Mr. Mazhar Ali Azhar has put in a petition on
behalf of the Majlis-i-Ahrar praying:

1. that the Pakistan and the Punjab Governments may
be moved to release all or some of the representa-
tives of the Ahrar organisation before it was
declared illegal to present their case without
any handicaps;
2. that Maulana Lal Hussain Akhtar who is confined
in Hyderabad Jail be ordered to be brought to
the Central Jail, Lahore;

- 3, that Maulana Muhammad Hayat, who is confined in the Borstal Jail, Lahore, may be transferred to the Central Jail, Lahore; and
4. that the time for putting in a written statement on behalf of the Majlis should be extended to 24th August.

We are not competent to order and do not see any sufficient reason to recommend the release of any of the prisoners and therefore cannot grant the first prayer.

As regards the second prayer, however, we are of the view that the Punjab Government should use its good offices to have Maulana Lal Hussain Akhtar brought to Lahore. Regarding the third prayer, we order that in the absence of any reasons to the contrary, which may be indicated to this Court, Maulana Muhammad Hayat should be temporarily transferred from the Borstal Jail to the Central Jail.

Time for putting in the written statement of the Ahrar is extended to 17th August. The written statement must be put in that date irrespective of whether Maulana Lal Hussain Akhtar is or is not brought to Lahore.

In another application submitted by Mr. Mazhar Ali Azhar on behalf of the Majlis-i-Ahrar, a request is made that Qazi Shams-ad-Din and a lawyer be permitted to have an interview in jail with certain Ahrar prisoners, whose names are mentioned in the application. We allow this prayer in the terms in which it is made.

Maulana Daud Ghaznavi has presented a petition on behalf of the Majlis-i-Amal and Majlis-i-Tahaffuz-i-Khatm-i-Nabuwwat that certain persons mentioned in the application be permitted to interview in jail certain prisoners whose particulars are given in the application. The prayer is allowed and the Punjab Government is requested to direct that the interviews be allowed in the manner claimed.

By another application Maulana Daud Ghaznavi prays that Syed Nur-ul-Essan Shah, who is confined in the Montgomery Jail be brought to the Central Jail, Lahore, and (2) that Haji Muhammad Amin, who was arrested in the Punjab, during the disturbances, and Maulana Abdul Haamid Badayuni, who is confined in jail in Karachi, be brought to Lahore.

We grant the first prayer and as regards the

second we request the Punjab Government to use their good offices to have the two prisoners brought to Lahore. The time for putting in a written statement on behalf of the Majlis-i-Amal and Majlis-i-Tahaffuz-i-Khatn-i-Kabuwat is extended to 17th August.

Applications made by Mr. Bashir Ahmad, on behalf of Sadr Anjuman-i-Ahmadia, Rabwah, and by Mr. Saïdar Hassan Siddique on behalf of the Jama'at-i-Islami for inspection of record are allowed.

The Home Secretary has forwarded an application by Maulana Abul Ala Maududi, praying that certain persons, whose names are mentioned in the application and who are confined in the same jail as the Maulana, be permitted to interview him to enable him to prepare his written statement. No orders on this prayer are now necessary as the Maulana and the Jama'at-i-Islami have both filed their written statements.

The other prayer in the application is that during the inquiry the Maulana should be granted reasonable facilities to interview his lawyer, witnesses and members of the Jamaat. We do not think

any interview between the Maulana and the witnesses is necessary but we grant the rest of the prayer and order that the Maulana's lawyer and such members of the Jazat as he may wish to see may be permitted to interview him in jail.

As regards Alan Mumtaz Muhazmed Khan

Daultana's application for production and inspection of documents, of which particulars are given at serials Nos. 2 to 7 in the schedule to his application, dated 20th July 1953, our order is that out of these the Punjab Government should immediately produce all documents that are in its possession and as regards those in the possession of the Central Government, we direct Punjab Government to request the Central Government to send these documents to the Court of Inquiry. These documents will be open to inspection by Mr. Daultana as there can be no question of any one claiming privilege against him in respect of thereof; but since these documents will be needed only in proof of Mr. Daultana's case, we do not think he should be granted time to put in

the written statement till he has inspected these documents. We, therefore, direct him to put in his written statement by the 17th August.

Documents mentioned at No. 1 of the schedule may be inspected by him and his counsel.

We are not competent under our terms of reference to adjudicate or express our opinion on the merits of the Ahmadi (Qadiani section) of section 4 of the Ordinance requires us to inquire into the circumstances connected with the disturbances and it is common ground that religious differences between the two schools of thought were one of the factors that led to the disturbances. It seems to be necessary to ascertain the precise doctrinal difference between the followers of the two schools. We therefore direct the Sadr, Anjuman-i-Ahmadiya, Rabwah, in consultation with the Head of the Ahmadiya Community to put in replies, according to Ahmadiya tenets, to the following questions:-

1. Are those Muslims, who do not believe in Mirza Ghulam Ahmad Sahib being a prophet (Nabi) in the sense that he was inspired of

God and Mamoor Min Allah, monims and Muslims?

2. Are such persons kafirs?
3. What are the consequences, mundane or ultra-mundane, of being a kafir?
4. Were the mode and means of revelation (Vahi-Ilham) in the case of Mirza Sahib the same as in the case of the Holy Prophet of Islam?
- 5(a) It is a part of the Ahmadi creed that funeral prayers (Kamaz-i-Janazah) for those who do not believe in Mirza Sahib are infructuous?
- 5(b) Is there any injunction in the Ahmadia creed against such prayers?
- 6(a) Is a marriage between an Ahmadia woman and a non-Ahmadi valid?
- 6(b) Is there any injunction in the Ahmadi creed against such marriage?
7. What is the exact significance of the head of the Ahmadia community being an Amir-ul-Momineen?

Replies to these questions should be submitted by the 17th August.

The Anjuman-i-Ahmadia, Ishaat-i-Islam, Lahore, may also submit replies to these questions by the same date.

From the opposite group we would examine in camera at Lahore on a date to be named later the following Ulema:-

1. Maulana Abul Ala Maududi, Amir-i-Jamaat-i-Islami, Pakistan.
2. Maulana Ata Ullah Shah Bokhari, from Majlis-i-Ahrar.
3. Maulana Abul Hasanat Syed Muhammad Ahmad Qadri, President, Jamiat-ul-Ulema-i-Pakistan.
4. Maulana Daud Ghaznavi, Jamiat-i-Ahl-i-Hadith.
5. Maulana Muhammad Zakir, Tanzim Ahl-i-Sunnat Wal Jamaat.
6. Maulana Nur-ul-Fassan Shah Bokhari.
7. Hafiz Kifait Hussain, Idarah-i-Tahaffuz-i-Fuquq-i-Shia.
8. Pir Qamar-ud-Din, Jamiat-ul-Mashaikh.

9. Mr. Qaisar Mustafa, Islam League.
10. Maulvi Muhammad Arshad Paracha, Baghbanpura.
11. Mufti Muhammad Hassan, Jamia Ashrafia.
12. Mufti Muhammad Idris, Jamia Ashrafia.
13. Maulana Ahmad Ali, Sadr, Jamiat-ul-Ulema-i-Islam, Maghrabi Pakistan.
14. Maulana Syed Sulaiman Nadvi.
15. Maulana Abdul Hamid Badayuni.
16. Mufti Muhammad Shafi Deccandi, Aram Bagh, Marachi.
17. Ghazi Siraj-ud-Din Munir, Founder, Tehrik-i-Islam, Okara.

The view of Anjuman-i-Ahmadiya Ishaat-i-Islam, Lahore, will be presented by Maulana Sadr-ud-Din.

In the written statements filed by the Sadr, Anjuman-i-Ahmadiya, Rawah, and the Jamaat-i-Islami, a large number of extracts from newspapers or published books are mentioned in the appendices. We direct the Sadr, Anjuman-i-Ahmadiya, Rawah, to admit or deny the extracts referred to in the written statements of Jamaat-i-Islami and Maulana Abul Ala Maududi.

Similarly we direct that the Majlis-i-Ahrar and Jamaat-i-Islami should admit or deny extracts from newspapers and publications mentioned in the written statement of Sadr, Anjuman-i-Ahmadiya, Rabwah. Since the Ahrar have not yet put in any written statement, they will not be permitted to see the written statement filed by the Sadr, Anjuman-i-Ahmadiya, Rabwah, except the appendices.

In proof of their respective cases the parties should put in before 17th August lists of witnesses to be examined and applications for the examination on commission of any witnesses not subject to the process of the Court. The lists of witnesses should indicate briefly against each witness the purport of his evidence and the application for commissions should be accompanied by interrogatories.

. Lists of witnesses and applications for commission may either be presented at or despatched to Murree or deposited in the office of the Court of Inquiry at Lahore.

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- 44 -
- 45 -

The proceedings are adjourned to 24th
August for a public sitting at Murree.

Sd/- M. KENIR.
President.

Sd/- M. R. KAYANI.
Member.

3rd August 1953.

1) Mr. Muhammad Husain has put in his report of the commission he was required to execute by our order, dated 7th July 1938. He may see the written statement sent to the Court from Jail by Mr. Ibrahim Ali Chishti to consider whether in view of its contents he would like to re-examine any of the witnesses already examined by him. Mr. Chishti's written statement together with the report of the Commission to be placed before the Court for further action on 24th August.

2) The learned advocate-General Punjab is directed to obtain and produce before the Court certified copies of the Judgments and Orders of Special Military Courts, together with a copy of the statement of the accused, in the cases of:-

- 1) Maulana Akhtar Ali Khan of the "Zamindar",
- 2) Maulana Abul Ala Maududi,
- 3) Mr. Ahmad Said Kirmani,
- and 4) Maulana Abdus Sattar Khan Niazi.

He is also directed to produce the file, if one was by the Public Relations Department, relating to the Ahmadi and non-Ahmadi controversy and the disturbances.

Written statements by parties for which time was extended by our order of yesterday may be lodged with the office of the Court at Murree or with the Registrar, High Court, Lahore.

Time for Maulana Abdus Sattar Khan Khazi to
put in his written statement extended, as prayed,
to 17th August.

Sd/- M. MUNIR.

President.

Sd/- E.R. KAYANI.

Member.

4th August 1953.

6th August 1953.

12th sitting.

Present:

The Hon'ble Mr. Justice M. Munir, President.

The Hon'ble Mr. Justice M.R. Kayani, Member.

Mr. Muhammad Hussain, S.P., D.I.D., who by our order, dated 7th July 1953, was appointed a Commissioner to examine the disbursing Officer of the Adult Literacy Fund and the Superintendent of the Press Branch, has submitted his report and asked for further directions.

As regards the Adult Literacy Fund, he has reported

- (1) that between 26th May 1951 and 26th December 1952 a sum of Rs. 2,03,000/- was assigned out of the Provincial revenues to the Adult Literacy Fund and placed at the disposal of Mir Nur Ahmad, Director Public Relations Department, to be expended by him in accordance with a scheme details of which were to remain confidential;
 - (2) that out of this amount a sum of rupees one lac was given to the Afaq, an Urdu daily started in June 1951, and of which Mir Nur Ahmad's son was the Managing Director; and that sums of Rs. 58,000/-, Rs. 30,000/- and Rs. 15,000/- were given to the Ihsan, the Zamindar and Maghrabi Pakistan, respectively;
 - (3) that each of these four newspapers took active part in publishing articles against the Ahmadi creed, some of the articles in the Afaq, manuscripts of which are stated still to exist, having been written by Mir Nur Ahmad himself; and
 - (4) that all this expenditure was in excess of the objects of the Adult Literacy Fund and was incurred without reference to the Director of Public Instructions who was the authority in charge of that Fund.
- With respect to the Department of Islamiat the Commissioner has reported:
- (1) that during 1951-52 and 1952-53 the amount actually spent by that department was Rs. 1,56,250/-;

(2) that this expenditure included payments as honoraria to 18 lecturers on Islamiat out of whom 11 took active part in the agitation, seven of them having actually been arrested for such activities and eight being members of the Council of Action which directed the agitation; and

(3) that four out of the five members of the Advisory Board were the most virulent and active agitators in the anti-ahmadiya movement.

Further directions to the Commissioner are:

- 1) to examine the managers and proprietors of the newspapers mentioned above to ascertain (i) whether the moneys paid to these papers were brought by them in the trading account, income-tax account and the balance sheet;
(ii) what was the consideration for these payments and whether there was any written agreement in regard to such consideration;
- 2) to examine ten typical destinations of these newspapers in order to see whether the papers were actually supplied;
- 3) to examine the managers of the printing presses where these papers were published to see whether the number of copies contracted to be supplied were in fact printed;
- 4) to ascertain from Mir Nur Ahmad the reason for keeping the "Scheme" confidential and how the scheme could make readers of these newspapers "Literate";
- 5) to examine Professor Muhammad Sarwar, Riasat Ali, Nasir Saifi and Shah Muhammad in the light of the comments made in the report.

- 6) to examine the officer or official in charge of the records of the Public Relations Directorate to discover the substance of the lectures delivered or articles contributed by the persons who received honoraria from the Department of Islamiat;
- 7) to ascertain from the receivers of such honoraria the directions given by the Director of Public Relations as to the subject matter of the articles or lectures.

The essential point to be remembered by the Commissioner is that the mal-administration of these two funds is not per se a matter of inquiry for the Court and that such mal-administration will be relevant only to the extent that it might tend to establish the responsibility of Government or any Government official for creating feelings of contempt and hatred between two religious groups.

Sd/- M. MUNIR. _
President.

Sd/- M. R. KAYANI.
Member.

6th August 1953.

11th August 1953.

10th sitting.

Mr. Yaqub Ali with Mr. Abdul Malik
and Mr. Said Akbar.

There are no reasons to recall the commission issued and the direction given to Mr. Muhammad Hussain. The work that is being done by the Commissioner under the instructions of this Court is merely in the nature of investigation which will not be treated as evidence against any party and the witnesses are called and offered for cross-examination to the party affected.

As regards the prayer to allow publication of the contents of the petition all that the Court needs to say is that the application having been presented in open Court is a public document publication of which is governed by the general law.

Sd/- L. M. Malik.

President.

Sd/- M. R. Khan.

Judge.

11-8-53
Camp Murren.

24th August 1953.

14th sitting.

Present

Hon'ble Mr. Justice Muhammad Munir President
Chief Justice,

Hon'ble Mr. Justice M.R. Kazi Member.

Mr. Yaqub Ali Khan Advocate with
Raja Said Akbar Advocate for
Mian Muntaz Muhammad Khan Daultana.

Mr. Bashir Ahmad Advocate assisted by
Ch. Asadullah Khan and Malik Abdur
Rehman, Advocates, for Sadar Anjuman
Ahmadiya Rahwan.

Kaulana Nazhar Ali Azhar Advocate for
Majlis-i-Amal.

Mr. Siraj-ud-Din Munir in person.

Mr. Said Malik for Jama'at-i-Islami.

Mr. Fatch Muhammad Aziz and Mr. Muhammad
Hussain Cheema for Anjuman-i-Ahmadiya
Isha'at-i-Islam.

The Court requires information on the following
points:-

- (1) Who convened and advertised the All Muslim
Parties Convention, which was held in Lahore
on 13th July 1952?
- (2) Who were the members of the Majlis-i-Amal
appointed at the All Muslim Parties Convention?

The original resolution of appointment of Majlis-
i-Amal should be produced, if possible.

- (3) Who convened and advertised the All Pakistan
Muslim Parties Convention which was held in
Karachi from 15th to 16th January 1953?
- (4) Who were the members of the Majlis-i-Amal
appointed by the All Pakistan Muslim Parties
Convention.

The Sherr and the Magistrate-i-Aam Furfur to supply the information.

مسئله دهم.

The Muslim League is required to produce copies of resolutions passed by:-

- (i) The City Muslim League, Lahore.
- (ii) Gujranwala City Muslim League.
- (iii) Serodha District Muslim League and
- (iv) Serodha City Muslim League.

on the subject of Khata-i-Ma'aruf.

Some of the office-bearers and councillors of the Muslim League are stated in the written statement to have taken an active part in the Direct Action Movement.

The Muslim League is required to state:-

- (1) Whether, after the start of Direct Action, any instructions were issued to the League bodies in the Punjab requiring them to abstain from or to oppose the Direct Action Movement?
- (2) Did the Muslim League ask any inquiry as to whether any of the office-bearers or councillors of the League took any active part in the Direct Action Movement, and if so, whether any action was taken against any one of them?

مسئله یازدهم.

The Sherr are required to prove:-

- (1) particulars of the murder of Mujahid Muhammad Amin of Bokhara. If the murder was reported to the Police, a copy of the first information report, and if the case went to Court, a copy of the first order should be produced;
- (2) the reports of any speech by Hafez Kifayat Hussain or Sayyid Ata Ullah Shah Bokhari in 1949 or 1950

- in which a demand for the declaration of the ahmadis as a minority or for the removal of the Hon'ble Ch. Muhammad Zafarullah Khan was made;
- (3) the report in the "Al-Bazal" of 5th April 1947 describing the vision which the present head of the ahmadiya community had and in which he exchanged views with Mr. Gandhi;
- (4) the "Edan" by the present head of the Ahmadiya community mentioned at page 133 of the written statement in which he expressed the view that the Partition of Indo-Pakistan sub-continent was merely a temporary measure and that his community would do its best to attempt a re-union;
- (5) the allegation at page 139 of the written statement that the population of the Qadianis was responsible for the transfer of three Tehsils of Gurdaspur to the Indian Union on Partition;
- (6) the allegation that the representative of the Ahmadiya community before the Boundary Commission stated that a person who does not believe Mirza Ghulam Ahmad Sahib to be a Prophet and a Masul is outside the pale of Islam;
- (7) the statement of Hon'ble Ch. Muhammad Zafarullah Khan that he could be taken to be a Muslim servant of a Kafir Government or a Kafir servant of a Muslim Government;
- (8) report of the speech of the Hon'ble Ch. Muhammad Zafarullah Khan in Karachi on 18th May 1952;
- (9) that the Ahrar in 1934 demanded that the Muslim seat on the Executive Council of the Viceroy should not be given to Ch. Muhammad Zafarullah Khan;
- (10) the admission of Khawaja Nazim-ud-Din, the Prime Minister of Pakistan, that he had promised to

Maulana Akhtar Ali Khan that the demands against the Ahmadis would be conceded before 14th August 1952;

(NOTE:- The Court would like to examine Maulana Akhtar Ali Khan on this point.)

(11) that the word "dusman" in the "Al-Fazal" of 16th January 1952 referred to Muslims in general in the Khutba of the head of the Ahmadiya community;

(12) the details of the interview with the Prime Minister of Pakistan on 16th February 1953 mentioned at page 169 of the written statement;

(13) that the visit of Sheikh Hissam-ud-Din to India in February 1953 was on Government business;

(14) the allegation at page 177 of the written statement that in the incident near Chowk Dalgran two persons were killed and the Holy Book desecrated by a Police Officer;

(15) the allegation at page 178 of the written statement that certain Ahmadis in Jeep No. 1366 were going about in the streets of Lahore and shooting people indiscriminately;

(16) the allegation at page 178 of the written statement that on 5th March an A.S.I. of Police Station Gawal-mandi shot 4 or 5 men without any reason;

(Note:- The F.I.A. of the case and the record of the investigation, if any, held by the police or by the Ilaga Magistrate or by the Military may be sent for.)

(17) the allegation at page 180 of the written statement that electricity in Lahore City was cut off under the orders of a Minister.

(Note:- Chief Engineer, Electricity, may be directed to send the record, if any, relating to this incident.)

Statement of Mr. Mazhar Ali Azhar, Advocate:-

Q. Did you compose the following Urdu couplet given at page 6 of the written statement of the Sadar Anjuman Ahmadiya Rabwah:-

"Ik kafira ke waste Islam ko chhoda
Yeh kafir-i-azam hai koi nai Qaali-i-Azam"

A. Yes.

Q. Did you write a letter of which the copy is at page 41 of the written statement of Sadar Anjuman Ahmadiya Rabwah?

A. No. The letter is a forgery.

The same is my reply to the letter of which the copy is at page 42 of the aforesaid memorandum.

Majlis-i-Amal.

The Majlis-i-Amal is required to prove:-

- (1) the allegation at page 42 that Ahmadis constitute a substantial part of the Defence Forces and that in the air Force they are more than 50 per cent;
(A letter should be addressed to the Defence Secretary, Government of Pakistan, for the requisite information on the point).
- (2) the allegation at page 44 that the District Magistrate, Nawab Shah, issued an order under section 144 of the Code of Criminal Procedure forbidding the Ahl-e-Akbar from criticising or commenting upon the creed of the Ahmadis;

(Note:- Let a letter be written to the District Magistrate for a certified copy of the order, if any.)

- (3) who were the members of the Majlis-i-Amal, constituted by the All Pakistan Muslim Parties Convention in Karachi?

- (4) the allegation at page 47 that the Majlis-i-Awal, after the Multan incident, attempted to have the conditions restored to normal;

(Note:- The Court would examine Mr. I.U.Khan, who was the Commissioner of Multan Division at the relevant time on this point.)

- (5) the allegation at page 48 that a deputation of the Majlis-i-Awal waited upon the Chief Minister of the Punjab on 29th September 1952 and presented to him certain grievances in writing;

(Note:- The witness, called to prove this incident, should be in a position to disclose the details of the interview with the Chief Minister.)

- (6) the resolution of the All Pakistan Muslim Parties Convention at Karachi, mentioned at page 50 of the written statement;

- (7) the details of the interview which the deputation appointed by the Majlis-i-Awal had with the Premier of Pakistan on 26th February 1953 in Karachi;

- (8) the allegations at page 61 about the incident in Chowk Dalgavan, Lahore;

- (9) the allegation at page 62 that organized parties of Ahmadis, on 7th March 1953, put on the uniform of Sargan Battalion and went about shooting on musical-rams with steel guns and revolvers;

- (10) the allegation at page 63 that Major-General Hayat Din made certain instructions to certain military officers for the dispersion of people assembled in Wazir Khan Mosque.

(Note:- The question arises, but the burden of this fact will be on the Majlis-i-Awal, that Major-General Hayat Din is an Ahmadi.)

JAMA'AT-I-ISLAMI:

The Jama'at-i-Islami is required to prove:-

- (1) the allegation at page 9 that the Qadiani leaders were opposed to the Partition;
- (2) the allegation at page 18 that the Muslim League and Government spokes men had openly aligned themselves on the side of the demands;
- (3) the allegation at page 20 that some members of the Government (Central as well as Provincial) expressed their open sympathy with the Muslim cause and themselves encouraged some of the leaders who later started the Direct Action and that some District Officers in the Punjab allowed themselves to be paraded and openly led public processions;
- (4) the allegation at page 24 that what was done by the Majlis-i-Amal and the Direct Action Committee between 17th January and 26th February and by the Direct Action Committee subsequently was ultra vires. The Jama'at-i-Islami should prove all that they claim to have done to dissociate themselves from the Direct Action Movement;
- (5) the resolution of 4th/5th March mentioned at page 26 by the Majlis-i-Shura that members of the Jama'at were not to take part in any illegal activities;
- (6) the allegation at page 28 that His Excellency the Governor approved the suggestions made by Maulana Abul Ala Maudoodi at the meeting held in the Government House on 5th March;
- (7) the terms of the formula, mentioned at page 29, which was evolved on 6th March;

(8) the allegation at page 31 that it was commonly believed that the Punjab Cabinet not only supported the activities of those who had sponsored the agitation but also lent strength to their activities by official action;

(9) the allegation at page 33 that allegations were made in the Punjab Legislative Assembly that Mian Muntaz Muhammad Khan Daultana, the then Chief Minister of the Punjab, was at the back of the agitation for some personal end of his own.

(Note:- A record of the proceedings of the Legislative Assembly for 16th and 17th March 1953 may be sent for.)

SADAR ANJUMAN AHMADIYA RASHTRA IS REQUIRED TO PROVE:-

(1) the allegation at page 12 of the written statement that the reputation which the Hon'ble Chaudhri Muhammad Zafarullah Khan had succeeded in establishing for Pakistan in the International sphere created political rivals in some responsible parties and that these rivals also helped the ahraar in their campaign of vilification of the community;

(2) particulars, as far as available, of the murder of Dr. Major Mahmood mentioned at page 13;

(3) the allegation at page 15 that Maulana Abul Ala Maududi was opposed to the formation of Pakistan;

- (4) the allegation at page 16 that Maulana Abul Ala Maudoodi considered the Kashmir Jihad as un-Islamic;
- (5) the allegation at page 27 that a deputation of the Ahmadiya community waited on the Chief Minister, Punjab, on the 24th February 1953 and that to the amazement of the deputation he expressed the view that he would take no action regarding anything said or done in a mosque and that he would not take any risk and expose himself to the censure of the Centre;
- (6) the allegation at page 31 that Abdul Majid was forced to recant and that after he had done so, a poster was put under the signature of the Imam of the local mosque that because Abdul Majid had renounced Ahmadiyat, his property was sacred and should not be looted or destroyed.
- (Note:- Mr. Bashir Ahmad is also directed to put in the detail of the persons sentenced to death in Afghanistan on the ground of their being apostates from Islam.)

O. R. D. S. R.

Proceedings adjourned till tomorrow when
the witnesses present will also appear.

Sd/- M. MINIH.

President.

Sd/- M. R. KAVANI.

Member.

24th August 1953.

O_R_D_E_R

A letter should be addressed to the Medical Superintendent of the Mayo Hospital, the Medical Officer of Ganga Ram Hospital and the Officer-in-Charge of the Civil Dispensary, Lahore, requiring them to give information on the following points:-

- (1) The number of the dead bearing gunshot wounds brought to the institution from 4th to 10th March 1953.
- (2) The number of wounded persons bearing gunshot injuries brought to the institution for treatment during the same period.

The statement to be delivered at the office of the Court of Inquiry in the High Court, Lahore.

The whole record of the Boundary Commission should be requisitioned from the Secretariat.

Sd/- M. MINIR.
President.

Sd/- M. R. KAYANI.
Member.

24th August 1953.

26th August 1953.

15th sitting.

Present

Hon'ble Mr. Justice Muhammad Munir, President.

Chief Justice.

Hon'ble Mr. Justice M.R. Kayani, Member.

Ch. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, assisted by Raja

Said Akbar, Advocate, for Mian Muntaz Muhammad Khan Daultana.

Mr. Bashir Ahmad, Advocate, assisted by Ch. Asadullah

Khan, Ch. Ghulam Murtaza, Malik Abdur Rahman

Khadim and Sheikh Nur Ahmad, Advocates, for

Sadar Anjuman Ahmadiya, Rabwah.

Maulana Mazhar Ali Azhar, Advocate, for Majlis-i-

Ahrar.

Mr. H.S. Suharewardy, Advocate, for Majlis-i-Amal.

Ch. Muhammad Hasan Channa, Advocate,

assisted by Ch. Fatch Muhammad Aziz for

Ahmadiya Anjuman-i-Isha'at-i-Islam.

Mr. Siraj-ud-Din Munir in person.

Mr. Said Malik for Jama'at-i-Islami.

Witness No. 1 (Called by Court)

M. Muhammad Khan son of Muhammad Abdullah Khan, Awan, resident of Sumbal Street, Mianwali, on 6.4.

Ex. D.E./1 is the statement that I submitted to the Court of Inquiry. It is signed by me. I was a Ticket Collector in the Railway. I retired in August 1948.

Q. Are you a follower of Mirza Ghulam Ahmad Sahib?

A. No, but I consider him to be a Muslim and a Mussalman.

Q. Since when have you been the recipient of the spiritual light you refer to in your statement?

A. Since October 1942.

I call this spiritual light "Kashaf" and "Ilham".
Of course sometimes I do receive inspiration (Ilham) from Allah.

Q. What is the difference between "Kashaf" and "Ilham"?

A. In "Kashaf" something occurs to the mind of which the correctness is tested by the Quran. In "Ilham" something appears to the eyes or some voice is heard.

When there is an apparition it speaks. The apparition is that of a man but not of a man whom I can identify. Later it dawned upon me that it is some spiritual existence.

Q. What is the difference between "Ilham" and "Wahi"?

A. Only a Prophet is the recipient of "Wahi", while the subject of "Ilham" may be an ordinary man, provided he is a Momin.

Q. What is the definition of a Momin?

A. Momin is he who:-

- (1) has an unshakable belief in God.
- (2) believes in God, Prophets and the Book revealed to those Prophets.
- (3) believes in the Day of Resurrection.
- (4) is a man of good works.

It has not so far been revealed to me that Mirza Ghulam Ahmad Sahib was a "Mamoor-min-Allah". He was certainly a Momin. When I say that he was a Momin I express merely my personal opinion. Whether the followers of Mirza Sahib are Momin or not depends upon their actions. According to my belief every Kalima-go is a Mussalman and, therefore, the followers of Mirza Sahib are Mussalmans. Sometimes I get a revelation and I find that it is in precisely the same terms as some text of the Quran. On other occasions what is revealed to me is what I already know to be in the Quran.

- Q. Have you received "Kashaf" in respect of any of the seven questions?
- A. It has been revealed to me that Mirza Ghulam Ahmad Sahib was inspired by God.
- Q. Did any "Wahi" devolve on Mirza Sahib according to you?
- A. Yes. He received the "Wahi" in the same way as the mother of Moses, the mother of Jesus and the sea.

Sd/- M. MUNIR.

President.

R.O.&A.C.

Sd/- M.R. KAYANI.

Member.

25th August 1953.

Witness No. 2 (Called by Court)

Mian Hayat Bakhsh, Generation Engineer Rawalpindi Electric Power Company, Ltd., Rawalpindi on S.A:-

I am also Chairman of the District Vigilance Committee, Rawalpindi, and Divisional Warden, A.R.P. I received my engineering education in Woolwich for one year. From 1936 to 1948 I was interested in the Muslim League affairs. I used to be either the President, the Vice President or Secretary of the City League. At present I am interested in educational matters and am a member of the managing committees of several schools. I am also a non-official visitor of the District Central Jail. The statement Ex.D. 2, which has been read out, is my statement and is signed by me.

Cross-examination by Mr. Yaqub Ali Khan, Advocate, on behalf of Mian Mumtaz Muhammad Khan Daultana:-

In 1946 I was the Vice-President of the City Muslim League. I held that office even in 1947. In the beginning of 1948, I was a candidate for the Presidentship of the City Muslim League but was not elected. It is absolutely untrue that my relations with the other office-bearers of the League got estranged

in 1948 or that they are still estranged. I resigned from the League near the end of 1948. I realised at that time that the Muslim League had ceased to be a live body and representative of national interests and, therefore, I dissociated myself from it.

To Court:-

- Q. What made you realise that the Muslim League had ceased to be a live and representative body?
- A. I thought the league was a pack of power-hungry people and not actuated by any national motives.

Cross-examination by Mr. Yacub Ali Khan continued:

Even when I sought election to the Presidentship of the League I knew that the League had converted itself into a group of self-seekers and my object in standing for election was to obtain an opportunity to reform the organisation.

- Q. You have stated that in 1951 elections there had been a pact between the Ahrar and the Muslim League. What leads you to make the assertion?
- A. The Secretary of the Ahrar, Hakim Fazal Karim, himself said it to me. There were several people present then among whom I remember Sh. Abdur Rashid who is present in Court.
- Q. Did you contest the general elections of the Legislative Assembly in 1951?
- A. I was a candidate but I withdrew.

I did not apply for the Muslim League ticket. I did not canvass support for my candidature from any member of the Muslim League Parliamentary Board.

Q. When did you first get the impression that the Punjab Government and the Muslim League were in favour of the agitation?

A. In February 1953 when I found the League M.L.As. taking active part in the agitation.

Q. You have said in your written statement that in those very days the Punjab Government, which means the Punjab Muslim League, decided to pick up an issue with the Centre. What time are you referring to in this statement?

A. January or February 1953.

I do not know what the precise issue to be raised between the Province and the Centre was, but there was a general impression that some tension did exist between them.

The talk with Lal Khan, M.L.A., had with me was some time near the end of February or the beginning of March. The occasion was the farewell party to the tenth-class students of the Faiz-ul-Islam High School. What was mentioned to me by Lal Khan, M.L.A., was in confidence. I was at that time alone. I have quite intimate connection with Lal Khan. I am the President and Lal Khan the Vice-President of the Board of Management of the School. What was disclosed to me by Lal Khan was, as far as I remember, in reply to some question that I had asked him. The impression that I got from Lal Khan's talk was that the Provincial Government and the Muslim League were both in favour of the Movement. As far as the object of the movement was concerned I had my sympathies with it but I did not approve of the method in which it was sought to be achieved. To the individuals and the Ulema, who had a talk with me on the subject, I mentioned my personal

conviction that the method adopted by them was wrong.

Q. Do you know if any batch of volunteers that left for Karachi from Rawalpindi was financed by the Muslim League?

a. Do you take me to be a detective?

I mentioned to several people what Lal Khan had told me. I do not remember the names now.

What I have stated in my written statement as having been said by Gilani was in an assembly of about 40,000 people and in the presence of six M.L.As. I had read the statement of Mian Mumtaz Muhammad Daultana that was published in Rawalpindi on 6th March. The movement had universal support. It is common knowledge that some M.L.As. were actually forced to lead processions. I gathered from the talk that I had from time to time with Gilani that he was in the confidence of Mr. Daultana.

Cross-examination by Sheikh Bashir Ahmad, Advocate on behalf of Sadar Anuman Ahmadiya, Rabwah:-

The incident of Fazal Muhammad is within my personal knowledge and I have read the actual letter.

To Court:

Q. What were the contents of that letter?

a. I cannot tell you exactly ^{the} wording of that letter, but its substance is quite fresh in my mind and that is this:

The letter was addressed to the present head of of the Ahmadiya community, Mirza Bashir-ud-Din Mahmud Ahmad by name. The writer said that the head of the community was not devoting proper attention to Rawalpindi, which was an important place, that there were

several civil and military officers belonging to the community posted in Rawalpindi and that if they worked with zeal they could secure hold of the G.E.Q. I distinctly remember the word "Qaza" was used with reference to the G.H.Q.

Fazal Muhammad was posted as assistant financial adviser in the G.H.Q. and is still in the G.E.Q.

(Note:-Photostatic copy of this letter is stated to be in the possession of Ghazi Siraj-ud-Din Munir. He is directed to produce it in Court.)

Mr. Muhammad Husain, Superintendent of Police, C.I.D., is directed to find out the present whereabouts of Fazal Muhammad or Fazal Ahmad.)

Cross-examination by Mr. Abdur Rahman Khadim, advocate, on behalf of Sadr Anwar Khadim, Rahmat, (With permission):-

I have seen Maulana Abul Ala Maudoodi. I once heard a speech delivered by the Maulana. That was four years ago. I have read some of his books too.

Q. Have you read any book by the Maulana in regard to the present movement?

A. Yes. I read one of his pamphlets. That pamphlet stated that he was not in favour of the way in which the movement was being carried on.

Q. Was that book the "Masla-i-Qadian"?

A. No. It was only a two-paged pamphlet.

Q. Is the opinion that you have expressed in your written statement and oral examination your personal opinion, or have you borrowed it from Maulana Abul Ala Maudoodi?

A. It is my personal opinion.

The two-paged pamphlet really represented views which I held myself. I read the Mirza Sahib's speech in Baluchistan as it was published in the "Al-Fazal", even before the stoppage of its publication I used to read the "Al-Fazal" occasionally. I think that everyone, if he believes in certain religious doctrines, is entitled to preach them.

Cross-examination by Mr. H.S. Suberawady on behalf of Majlis-i-Ahrar:-

If Direct action really meant sending a few volunteers to the house of the Premier, I could have no objection to it.

Cross-examination by Maulana Nazhar Ali Azhar, Advocate, on behalf of Majlis-i-Ahrar:-

- Nil -

R.O. & A.C.

9d/- M. MUNIR.

President.

9d/- M. H. K. YANI.

Member.

25th August 1953.

Witness No. 3 (Called by Court)

Mr. Muhammad Iqbal Siddiqui, Secretary, Tehsil Muslim League, Rawalpindi, on S.A. -

I consider that the Muslim League and, therefore, the Government established by the Muslim League was primarily responsible for the disturbances. The proceedings of the Council of the Provincial Muslim League held on 25th July 1952, presided over by Mr. Daultana, the President of the League, show that some of the prominent speakers at that meeting had aligned themselves with the Khatm-i-Nabuwwat Movement. (The witness specifically refers to the speech of Sayyed Ghulam Mustafa Shah Khalid Gilani, M.L.A.). Subsequently, on 6th March, there was a public meeting held in Rawalpindi, at which five M.L.As. were present and the audience was about 80,000. At that meeting I myself heard Sayyed Ghulam Mustafa Shah Khalid Gilani say that the Khatm-i-Nabuwwat Movement had the support of every sect of Mussalmans and of the Muslim League Party. He said that as the question was a religious one on which there was no dispute, the Muslim League could not dissociate itself from that question, though it was of equal importance that there should be no disorder or bloodshed in carrying on the movement. Earlier, it may be the 3rd, or 4th, or 5th March, a meeting had been held at the residence of the Commissioner. This meeting was attended by all the important officers, the Khatib Jamia Masjid and some of the M.L.As. of Rawalpindi. Mian Hayat Bakhsh, who has just now given evidence before this Court, was also there. At that meeting the Commissioner made an impassioned appeal to the people present to stop the movement from taking an unconstitutional course. At the meeting the M.L.As. present expressed their view that, to control the movement, expression of lip sympathy with the people and the movement was necessary.

(NOTE:

It is unnecessary to proceed further with the statement of this witness as it seems to us to be entirely useless; but the witness is offered for cross-examination to Mr. Yaqub Ali Khan.)

Cross-examination by Mr. Yaqub Ali Khan,
Advocate, on behalf of Mian Mumtaz Muhammad Khan Daultana:-

I am still the Secretary of the Tehsil Muslim League.

R.O. & A.C.

Sd/- M. MUNIR.
President.

Sd/- M. R. KAYANI.
Member.

25th August 1953.

O_R_D_E_R.

Proceedings adjourned to tomorrow.

Sd/- M. MUNIR.
President.

Sd/- M. R. KAYANI.
Member.

25th August 1953.

26th August 1953.

16th sitting.

PRESENT:

Hon'ble Mr. Justice Muhammad Munir, President.
Chief Justice.

Hon'ble Mr. Justice M.R. Kayani. Member.

Ch. Fazal Ilahi, Advocate, for the Punjab
Government.

Mr. Yaqub Ali Khan, Advocate, assisted by Malik
Abdul Aziz and Raja Said Akbar, Advocates,
for Mian Muntaz Muhammad Khan Daultana.

Mr. Bashir Ahmad, Advocate, assisted by Ch.
Asadullah Khan, Ch. Ghulam Murtaza, Malik
Abdur Rehman Khadim and Sheikh Nur Ahmad,
Advocates, for Sadar Anjuman Ahmadiya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahraf.

Mr. Mazhar Ali Azhar, Advocate, for Mr. H.S.

Siharawardy, Advocate, for Majlis-i-Amal.

Ch. Muhammad Hasan Cheema, Advocate, assisted
by Ch. Fatch Muhammad Aziz, for Ahmadiya
Anjuman-i-Isha'at-i-Islam.

Mr. Siraj-ud-Din Munir in person.

Mr. Said Malik for Jama'at-i-Islami.

The founder of Tehrik-i-Islam and Mujahid-i-Muslimeen
to prove:-

(1) that he is the founder of the Khair-i-Nabuwat
Movement in Pakistan;

(2) the allegation at page 2 of the original written
statement that under the orders of the present Khalifa of the
Ahmadies, Hon'ble Ch. Muhammad Zafarullah Khan actually
interfered in the interest of the British Imperialism with
the issue of the nationalization of the Iranian Oil and the
evacuation of the Suez Canal by the British Troops;

(3) the allegation at page 5 of the original written statement that two dozen Ahmadis were acquitted by the Military Courts through the influence of the Hon'ble Ch. Muhammad Zafarullah Khan and that one dozen convicted persons were released by him in his capacity as the Acting Premier and Defence Minister in the absence of the Hon'ble Mr. Muhammad Ali;

(4) the allegation at page 3 of the original written statement that Khawaja Nazim-ud-Din tried to establish his hegemony over Pakistan through the agitation of making Bengali as a State language for Pakistan and that Mr. Daultana tried to defeat the Premier of Pakistan through the Khata-i-Nabuwat agitation;

(5) that the Friday sermons delivered by the present head of the Ahmadiya community from October 1952 to April 1953 show that the disturbances were engineered by him;

(6) that, under the orders of the head of the Ahmadiya community, two jeep-loads of Ahmadis, clad in police uniforms, went about all over Lahore indiscriminately shooting at the Khata-i-Nabuwat processions;

(7) that, under the instructions of the Inspector General of Prisons, Punjab, the Khata-i-Nabuwwat prisoners were illtreated and that he suspended several Assistant Superintendents of Jail in the Montgomery Central Jail and other Jails on the charge of partiality towards Khata-i-Nabuwwat prisoners;

(8) the allegation at page 5 in the original written statement that the Ahrar were brought back into the Punjab politics by Mr. Daultana with the object of defeating his rival, the Khan of Mandot, and establishing his leadership over the Punjab;

(9) the allegation page 6 of the original written statement that there was some understanding between Mr. Daultana and the Ahrar;

(10) the allegation at page 6 of the original written statement that Mr. Daultana, the Hon'ble Muhammad Zafarullah Khan and the present head of the Ahmadiya community had an alliance to defeat Khawaja Nazim-ud-Din with motives of their own;

(11) the allegation at page 6 of the original written statement that Khawaja Nazim-ud-Din was responsible for the Direct Action Movement;

(12) the allegation at page 7 of the original written statement that Khawaja Nazim-ud-Din was approached by several persons with the request that he should dismiss the Hon'ble Ch. Muhammad Zafarullah Khan from the office of Foreign Minister and that Khawaja Nazim-ud-Din replied; "I do not believe in the humbug of Khata-i-Nabuwat and I will prefer to shoot Muslims rather than dismiss Sir Zafarullah";

(13) the allegation at page 10 of the original written statement that if Ghazi Siraj-ud-Din Munir had been out of jail, the Punjab disturbances of March - April, 1953, would never have taken place and that he would have controlled the situation;

(14) the allegation at page 11 of the original written statement that on the dismissal of Khawaja Nazim-ud-Din, His Excellency the Governor-General was informed by the British Government that the new Pakistan Ministry would be acceptable to the British Government only if the Hon'ble Ch. Muhammad Zafarullah Khan was included in it;

(15) the allegation at page 12 of the original written statement that some Ahmadis were executed in Kamalist Turkey as in Afghanistan. .

Sd/- M. MUNIR.

President.

Sd/- M. R. KAYANI.

Member.

26th August 1953.

Proceedings adjourned to 1st September when the Court will reassemble at Lahore at 8 a.m. Revised lists of witnesses to be put in by the 29th August at Lahore.

Sd/- M. MUNIR.

President.

Sd/- M. R. KAYANI.

Member.

26th August 1953.

1st September 1963.

17th sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir, President.

Chief Justice.

Hon'ble Mr. Justice M.R. Kayani, Member.

Ch. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Yaqub Ali Khan, advocate, assisted by Malik Abdul Aziz and Raja Said Akbar, advocates, for Mian Mumtaz Muhammad Khan Daultana.

Ch. Abdullah Khan. Advocate, assisted by Ch. Ghulam Murtaza, Malik Abdur Rahman Khadim and Sheikh Nur Ahmad, advocates, for Sadar Anjuman Ahmadiya Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. H.S. Suharwardy, advocate, for Majlis-i-Ahwal.

Ch. Muhammad Hasan Cheema, Advocate, assisted by Ch. Fateh Muhammad Aziz, for Ahmadiya Anjuman-i-Isha'at-i-Islam.

Mr. Sirat-ud-Din Munir in person.

Mr. Ghias Muhammad, Advocate for Jama'at-i-Islami.

Witness No. 4 (Called by Court)

Sheikh Ghulam Muhammad, Mohdi-ul-Masih, Ahmadiya

Building, Lahore, on solemn affirmation:-

Exhibit D.V/3 is the statement which I submitted to this Court of Inquiry. It fully represents my views about the terms of reference. I have read it now and repeat that what

I have said in this statement is correct.

Q. Were you detained under section 3 of the Public Safety Act for your religious views?

A. Yes, I was detained under the Public Safety Act, but it was not because of my religious views.

Q. Were you sent to the Mental Hospital as an uncertified case?

A. Yes, but I was ordered out of that hospital by this Court.

Q. You claim to be Mehdi Akhir-uz-Zaman. Do you have revelations from God, wahi or ilham?

A. Yes.

Q. Is there difference between wahi and ilham?

A. Both these terms are used as synonyms in the Qur'an.

Wahi is of several kinds. The wahi that I receive is called wahi-i-khafi. What happens is that after some preliminaries, which give me the warning that the Divine message is about to devolve on me, I conceive intuitively the idea which I take to be a message from God.

Q. According to your religious views is the promised Mehdi different from the promised Messiah?

A. According to me, these are two different personalities; the Masih-i-mau'ud is to precede the Mehdi-i-mau'ud; and the Masih-i-mau'ud and the Mehdi-i-mau'ud will both be the subject

→ to Divine revelation.

Q. How long before the Qiamat will it happen?

A. Both these personalities are to appear in the Fourteenth Century A.H.

Q. What about the Dajjal?

A. The Dajjal will precede the promised Messiah. By Dajjal I mean the whole British political and social system.

Q. Will the Dajjal, you think of, be accompanied by 70,000 Jews from Persia?

A. No, I do not believe this.

Q. What about Yajuj-Majuj?

A. These two terms do not relate to personalities or to races, but to the Russian system. This question was settled by the one, who preceded me, namely, Hazrat Mirza Ghulam Ahmad, according to whom, the Russian system on one side and the other European systems on the other are Yajuj-Majuj.

Q. According to you, when will the Israfil blow the first sur (trumpet)?

A. It must be before the close of the Fourteenth Century A.H. which means within another 28 years. Within that period the world will come to its end.

Cross-examination by Mr. H.S. Suharwardy:-

Q. Are you a Nabi?

A. No.

Cross-examination by all other parties:- Nil.

R.O. & A.G.

Sd/- M. Munir.
President.

1st September 1953.

Sd/- M. R. Kayani.
Member.

Witness No. 5 (Called by Court):

Muhammad Abdullah Muslim, House No. 25, Kucha Shahi, Ganj-

Moghalpura, Lahore, on S.A:-

I was present on my duty on 5th March 1953. The time was 9 o'clock in the morning. Strike in the Workshop at that time was not within the contemplation of any one. At 9 o'clock, all of a sudden, slogans against Ahmadis were raised in the Workshop. Nobody attended to his work up to 11 o'clock. At 11 o'clock, the men of the Workshop organized themselves into processions and came out. Some of the men, who had gone out, posted themselves at pickets at the gates of the Workshop. They prevented all ingress to the Workshop. Then the Engine-shed and Loco-Shop people started shouting that all work should be struck. The parties from the Workshop, the Loco-Shop and the Engine-shed joined together and began to march in a procession. The procession was led by Lal Hussain, Section Havildar, and Muhammad Rafi who was also one of the workers in the Workshop.

My own impression is that because these two persons, namely,

Lal Hussain and Muhammad Rafi were all along near about their officers they must have been instigated by their officers to lead the procession. Another leader of the procession was Muhammad Yunus, who was killed in Chowk Dalgaran.

Cross-examination:- Nil.

R.O. & A.C.

Sd/- M. Manir.

President.

Sd/- M. R. Kayani.

Member.

1st September 1953.

★ Witness No. 6 (Called by Court).

Mr. Ghulam Murtaza, son of Dr. Muhammad Muhammad Din,
resident of Mohalla Qasurpura, Ravi Road, Lahore, an S.A:-

(At the request of the witness his examination is
conducted in camera.)

Ex.D.V/4 is the statement which I submitted to the Court.

I have read it now and it is true. I am not an Ahmadi.

XXn. by Ch. Yaqub Ali Khan for Mian Murtaz Muhammad
Khan Daultana:-

I believe in the doctrine of 'Khatm-i-Nabuwwat'. I am
not a follower of Mirza Ghulam Ahmad of Qadian.

XXn. by Mr. Said Malik for Jama'at-i-Islami:-

There is in our village a committee called Aman Committee
of which the members are the Ahrar, the adherents of Jama'at-
i-Islami and some communists. They pass resolutions which they
enforce upon the residents of the village. The resolutions take
the form of directing the residents socially to boycott the
people who do not agree with them. The Aman Committee came into
existence after the declaration of Martial Law. The persons
whom I have mentioned as abetting the disturbances used to
collect subscriptions by force. They once stopped an English-
man's car and wrung out of him a sum of Rs. 20/- as subscription.

On another occasion they stopped a tongawala and forced
some money out of him.

(Examination incomplete. To be continued tomorrow at
8 a.m.)

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

1st September 1959.

2nd September, 1952.

18th sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Hon'ble Mr. Justice M.R. Kayani.

Member.

Ch. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, assisted by Malik Abdul Aziz and Raja Said Akbar, Advocates, for Fian Muntaz Muhammad Khan Daultana.

Ch. Asadullah Khan, Advocate, assisted by Ch. Ghulam Murtaza, Malik Abdur Rahman Khadim and Sheikh Nur Ahmad, Advocates, for Sadar Arjuman Ahmediya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. M.S. Suharwardy, Advocate, for Majlis-i-Islam.

Ch. Muhammad Hasan Cheema, Advocate, assisted by Ch. Fateh Muhammad Aziz, for Ahmediya Arjuman-i-Islam'at-i-Islam.

Mr. Siraj-ud-Din Munir in person.

Mr. Ghias Muhammad, Advocate, for Jemiat-i-Islami.

Mr. Ghulam Murtaza, Witness No. 6, continued on S.A:-

When I took my complaint to Police Post Ravi Road on 6th March, I met A.S.I. Abdur Rashid, Officer incharge of the post. This Abdur Rashid is now attached to police post Badami Bakh. When I made the complaint to Abdur Rashid, Dahir Hussain Muharrir was also there. The shop that was burnt belonged to Malik Muhammad Tufail.

The ten persons whose names I have mentioned in my

statement are in league with the police. On 9th August, 1953, I was slapped in public by Lala Ahmad Din, and I believe it was done at the instance of the police. Siraj Din Zaildar is a brother of Ahmad Din. The ten persons mentioned by me in my written statement were the persons who either actually took part in burning the shop of Malik Muhammad Tufail or in abetting the burning.

Qn. by Ch. Fazal Ilahi, Advocate for the Punjab Govt:-

Q. Is it a fact that you were betrothed to the daughter of Feroze Din Zaildar in whose house you lived and that this betrothal was broken leading to strained relations between you and the Zaildar, with the result that counter-reports of apprehension of breach of peace were made at the police post?

A. It is true that I was betrothed to the daughter of Feroze Din who is my uncle and that this betrothal was cancelled but it is not true that this led to estrangement in our relations. A report under section 107, Cr.P.C. was made by Feroze Din against my brother.

R.O. & A.C.

Sd/- M. Munir.
President.

2nd September, 1953.

Sd/- M. R. Kayani.
Member.

O R D E R.

Let A.S.I. Abdur Rashid, Officer Incharge Sadami Bakh Police Post, Bashir Husain, Muharrir Head Constable Ravi Reed and Ahmad Haseer Shah, Head Constable, Police Post Pattoki be summoned for the 7th September, 1953. The witness should also appear on that day.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

2nd September, 1953.

Witness No. 7 (Called by Court)

Abdul Ahad, Clerk I.A. Section, T.A. Branch, P.W.R.
Lahore, on solemn affirmations-

Ex.D.4./5 which bears my signature is the statement
that I submitted to this Court. Its contents are correct.

Q. Were you absent from your work? If so, for how many
days?

A. I was absent from my duty on 6th and 7th March. The
reason was not that I partook in the strike but because
I found it impossible to attend the office on those
two days because of the disturbances.

Q. Did your branch strike work?

A. I understand that on 6th and 7th nobody went to
work in my branch. You may take it to be a strike.

I attended only two public meetings, one on the 1st
March, 1950, outside Delhi Gate and another on 6th March,
1950, inside Masjid Wazir Khan.

Q. How long did you stay in Masjid Wazir Khan?

A. I stayed for my prayers in the mosque and an hour or
so afterwards.

Q. Did you come to know there that Mirza Shah was killed?

A. No, nobody talked about it.

Q. Was Maulana Abdus Sattar Khan Niazi in the mosque on
the 4th?

A. I do not know whether he was in the mosque on the

4th. I went to the mosque only on the 6th March.

Maulana Ahmed Ali had selected fifteen followers of his as volunteers who were to court arrest. He intended to lead these men to the Government House.

Q. Did you notice any clerks from public offices inside Masjid Wazir Khan on 6th March?

A. Yes, there were many clerks in the mosque on that day.

Maulana Ahmed Ali was arrested just outside Delhi Gate together with his followers.

Q. Why did you not then follow Maulana Abdul Sattar Birzi's advice to resume work?

A. It was impossible to reach the office because of the general chaos.

Q. Do you know that no clerk from the High Court was absent from duty on 6th and 7th March?

A. I do not know.

Q. Do you know that many clerks of the High Court reside in the city?

A. I have no special knowledge about it but I presume that many must be residing in the city.

Q. What part did the Railway employees take in the agitation on the 5th and the 6th?

A. I know nothing about it. I do not know that the rioters took possession of the Railway Station and the Engine Shed nor do I know whether any trains were stopped on those days.

There was no disturbance upon arrival of Ahmed Ali and

arrested. people peacefully dispersed after his arrest.

Xpn. Nil.

Sd/- M. Murir.
President.

R.O. & A.C.

Sd/- N. R. Kayani.
Member.

2nd September, 1953.

Witness No. 8. (Called by Court)

Mr. Ghirash Din, advocate, 19, Birdwood Road, Lahore,
states on S.A:-

Exhibit D.E./6 is the statement that I submitted to
this Court. This statement correctly represents my views
regarding the disturbances.

On 6th March between 10 and 11 a.m. I was present in
the office of the Finance Commissioner, which is situated in
the Secretariat. I heard a noise outside the Secretariat and
on coming near, I saw a man showing his wounded hand to the
crowd outside the Secretariat. He was saying that he had been
wounded with a bullet. A crowd of clerks had assembled inside
the Secretariat and the gate of the Secretariat was locked from
inside. Outside there was military in the charge of Mr. Ahmad
Shafi, Magistrate. Mr. Ahmad Shafi and other officers inquired
who was in charge of the Secretariat on that day. He was told
that the Secretariat at that moment was in the charge of a
Deputy Secretary. Mr. Ahmad Shafi required the Deputy
Secretary to ask the crowd that had collected inside the gate
to disperse or they would have to shoot. The Deputy Secretary
however, told Mr. Ahmad Shafi that if he shot people, his

→ not would amount to murder. The Deputy Secretary I have mentioned is Mr. Muhammad Shafi of Food Secretariat.

I produce an issue of "Time" dated March 30, 1953 (3x.D.E./7). At para 23 of this issue under the heading "The Mad Mullahs" it is stated that the military shot more than one thousand people within six hours to stop the revolution.

Cross-examination by Mr. Fazal Ilahi.

Q. Where do you reside?

A. At the Birdwood Road.

I did not see any shooting when I went from my house to the Financial Commissioner's Office. I did not go by the direct route.

Q. Do you know that at about 9 or 10 p.m. an order had been issued by the Chief Minister stating that the police and the military had been stopped from shooting?

A. No.

Q. Do you know when was Martial Law proclaimed on 6th March?

A. No.

Mr. Muhammad Shafi, Deputy Secretary, is my son.

Cross-examination by Ch. Asadullah Khan, Advocate:

Q. Did you attend the proceedings of the Boundary Commission?

A. No.

Q. Have you read the report of the Boundary Commission?

A. I have read the report of the Boundary Commission.

TO COURT.

Q. Who gave you that report?

A. I do not know.

Q. Do you know that the report of the Boundary Commission is still an official secret?

A. I do not know. I had, in fact, not read the report but only the award that was published in the newspapers.

Q. How do you know that one of the reasons why Curdaspur was lost to Pakistan was that Sir Muhammad Zafarullah Khan took up the position that the Muslims were a separate community?

A. I only heard it in East Punjab.

Q. Do you believe it to be true?

A. Yes.

Q. Why do you believe in such gossip, being an Advocate?

A. The later events showed that Ch. Muhammad Zafarullah Khan did not do his best in the matter.

Q. What was the majority of the Muslims in Curdaspur in the whole district?

A. Fifty per cent.

Q. Do you know that the Muslim majority was centred in three towns in the District?

A. No.

Q. Do you know that if any one of these towns was taken away, the whole district became a non-Muslim area?

A. No.

Q. Are you sorry for your having made wild allegation against Chaudhri Muhammad Zafarullah Khan?

A. Yes, I am sorry for that.

Q. Are you sure that Sir Muhammad Zafarullah Khan said to the Boundary Commission that Ahmadis were a separate community.

A. No.

Q. Did the Boundary Commission hold that they were a separate community?

A. No.

Q. If you were in the position of Ch. Muhammad Zafarullah Khan, what would you have done in the U.N.O. over the Kashmir issue?

A. I would have brought to the notice of the U.N.O. murders of Kashmiri Muslims and the settlement there by India of a large number of non-Muslim immigrants.

Q. What was the settlement of non-Muslim immigrants to do with nothing having been done in the matter of Kashmir?

A. (Witness gave no answer).

Q. Are you sure that this aspect of the matter, if true, was not mentioned before the U.N.O. by Ch. Muhammad Zafarullah Khan?

A. I do not know.

Q. Do you know that during Muslim History several people have claimed prophethood?

A. Yes, that is a fact.

Q. Do you know who Mirza Muhammad Ali was?

A. No.

Q. Do you know who Baha-Ullah was?

A. Yes.

Q. What claim did he make?

A. He claimed himself to be "Muqarrab-Ullah".

Q. Did he claim that he received Divine revelation?

A. Yes.

Q. How many Mehdis have appeared so far?

A. I know of only one. He was the Mehdi of Sudan.

Q. Do you know that among several sects of Muslims it is believed that Aulia and barguzida people receive Divine revelation, though they are not Prophets?

A. Yes, that is correct.

Q. Did Mujaddad Alif Sani claim that he received Divine revelation?

A. I do not know.

Q. And Sayyed Abdul Qadir Gilani?

A. I do not know.

Q. Do you know anything about the Khawarij?

A. No.

Q. Do you believe the Ahmadiis to be non-Muslims?

A. Yes. They are not in my opinion Muslims.

Q. Is every non-Muslim a Kafir?

A. In my view every non-Muslim is a Kafir.

Q. Is a Kafir damned for ever according to your religious belief?

A. Yes.

Q. Do you know that a conference of the leaders had been called on 5th March at the Government House?

A. No.

Q. Do you know that almost in every disturbed district, every district officer attempted to take public leaders into confidence but that none would associate himself with the district authorities.

A. I do not know.

H.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

2nd September 1953.

Witness No. 9 (Called by Court)

Dr. Inayat Ullah Salimi, son of Ch. Umar Din, Civil Lines No. 2, Qilla Sheikhupura, states on S.A:-

I have read the statement which was submitted by me to this Court. It is correct and is based, partly on my personal knowledge and partly on facts of which I received information. This statement is Ex.D.E./8.

Cross-examination by Mr. Yaqub Ali Khan, Advocate,
on behalf of the Previous Ministry:-

Q. Are you a Homeopathic Doctor?

A. Yes. Before I started homeopathic practice I was a Veterinary Assistant Surgeon in Government service.

I retired from the Government service. It is entirely untrue to suggest that I was transferred from Sheikhupura on the allegation that I had created a split between the Ahl-e-Sunnah-wal-Jama'at and the Ahl-e-Hadith sects in Sheikhupura. I was transferred from Sheikhupura, but, because I did not wish to go out, I preferred to retire on pension.

Q. Were you opposed to the Muslim League?

A. No, in fact, I founded the Muslim League at Sheikhupura.

I got the Sheikhupura Muslim League affiliated to the Provincial Muslim League on 3rd February 1938.

Q. Is it a fact that Mr. Karnat Ali, a late Minister of the Punjab Government, stood up as a candidate for election to the Municipal Committee at Sheikhupura and you opposed him?

A. It is entirely untrue. In fact, nobody stood on any particular ticket in 1937.

I did oppose him in the election, though I lost. At that time I was in the Muslim League but Mr. Karamat Ali was outside it. The Muslim League had been functioning in Sheikhupura for some time before it was affiliated in February 1938. The League at Sheikhupura was founded near the end of 1937.

Q. Were you a member of the Zamin-dara League founded by Sir Chhotu Ram?

A. Yes, but it was long before I founded the Muslim League near the end of 1937.

It is untrue that I got a square of land for services rendered to Malik Khizar Hayat Khan Tiwana. This square was awarded to me in 1946 for my military service.

I was Secretary of the War League in Sheikhupura at a time when the Muslim League had directed its members not to take any part in any of the organization connected with the war.

Q. Is it true that before August 1947 you were in League with the Congress and the non-Muslims and were opposing the establishment of Pakistan?

A. The allegation is wholly untrue. Look at pages 6 and 7 of my book "Khuddari" published in 1941 (Ex.D.E/9)

Q. Can you produce any documentary evidence of your allegiance to the Muslim League after the rift between the Qaid-i-Azam and Malik Khizar Hayat Khan Tiwana just before the partition?

A. No, it is too short a period, but I can produce to you a poem which I read at the meeting of the Muslim League in Sheikhupura in 1943.

Mr. Karamat Ali fought the 1946 election to the Provincial Legislative Assembly on the Muslim League ticket. He was opposed by Mr. Mazhar Ali Azhar. It is not correct that I was a supporter of Mr. Mazhar Ali Azhar. I was a Secretary of the Sheikhupura Muslim League from 1938 to 1941 continuously. In 1941, on my proposal, Mr. Muhammad Azhar became the President and Mr. Chatha the Secretary of the District Muslim League Sheikhupura. The elections of 1946 were contested between the Muslim League and the Zamindara League. I was not then in any way connected with the Zamindara League.

I had severed my connections with that League long ago. In 1939, I was the Secretary of the Zamindara League, the Anjuman-e-Araian and the Muslim League.

Q. Were you a member of any official organization after 1945?

A. I must have been, because I took interest in beneficent institutions and I might have been a member of some such official institution.

It is wholly untrue to suggest that I was drawing any salary from Government in 1945 or 1946.

Q. Is it correct that in 1947, after the establishment of Pakistan, Mr. Disney, who was the Deputy Commissioner of Sheikhupura, passed an order under the Public Safety Act restraining you from making any speeches against Pakistan or against the Quaid-e-Azam?

A. The insinuation is wholly unfounded. I was restrained because, at a meeting which was presided over by Maulana Amin-ul-Haq and at which I was a spokesman of the public, allegations were made against the Muslim Leaguers of having, in collusion with the local officials, indulged in looting evacuee property. A similar order was also passed against Maulana Amin-ul-Haq.

Q. Did your son apply to the Muslim League for a Muslim League ticket for election to the Legislative Assembly?

A. Yes. The ticket was, however, given to one Abdul Latif. My son also applied for the Jinnah Awami League ticket. He was given the ticket by that League in the course of the elections.

I am on quite good terms with the Muslim League leaders, as will appear from several letters addressed to me by Mr. Chatha in reply to my letters apprising him of the state

of affairs in Sheikhupura during the disturbances.

It is correct that the Deputy Commissioner of Sheikhupura called a meeting on 25th December 1952 in which he dissuaded the public and the Ulema from taking any part in subversive activities.

Q. Is it correct that at that meeting you made a counter speech, alleging that the Deputy Commissioner had insulted the Ulema by making allegations against them?

A. I opposed the Deputy Commissioner's speech, because he was talking in an irreligious way and was abusing the Ulema and also describing certain historical figures as ma'mur Minallah. I particularly resented reference to my own spiritual leader.

Q. You have mentioned in your statement the names of certain certain Muslim League M.L.As. as having taken part in processions. Did you see them with your own eyes?

A. Yes, most certainly.

From the 5th March, these persons used to lead processions through a street in which my house is situated. The processions used to be of several thousand people. At a distance of two or three furlongs from my house there used to be speeches which could be heard over the loud-speaker.

Q. Is it true that before the 5th March the Jama'at-e-Islami, the Jinnah Awami League and others used to accuse Muslim Leaguers of not taking part in the movement?

A. No. Chaudhri Muhammad Ibrahim, President of the City Muslim League, Maulana Amin-ul-Haq, Khatib of the Jami Masjid, and Maulvi Ghulam Haider did not evince any interest in the movement. For this, they were all abused by those who were taking active part in the movement, including the Muslim Leaguers. Malik Abdul Qayyum, Secretary, City Muslim League, Azim Gilani and Nasir Qureshi, Councillors of the Provincial Muslim League, and Ch. Abdul Hamid, Vice-President of the City Muslim League and Councillor of the Provincial Muslim League, were arrested for their having taken part in the agitation.

Q. Was any property damaged or looted or any person physically molested by the rioters in Sheikhupura?

A. They attempted to set my house on fire, and several persons complained to me that they were being forced to join the agitation.

I am still a Muslim Leaguer. Khatm-i-Nabuwwat is an article of faith with me. I was also in favour of the demands that were being made against the Ahmadiya community. Nobody out of the Muslim League or the Ulama made any appeal for peace or to keep within constitutional limits. The actual attitude of the mob was definitely aggressive and violent.

Q. Do the people of Sheikhupura hate you in general?

A. No.

Q. Why were the processionists raising shouts against you while passing by your house?

A. The reason is that a meeting of the Anjuman Islamia of which Haji Muhammad Ali, M.L.A., is the President, was called in February, 1953, and it was proposed that the Anjuman as a body should actively associate itself with the Khatm-i-Nabuwwat movement and that Maulvi Azim-ul-Haq, who was the Khatib of the Jama Masjid, should be directed to take part in the movement. I opposed this proposal on the ground that the movement had a political aspect with which the Anjuman, which was a purely religious body, had nothing to do. I expressed my views that we

firmly believed in the Khatm-i-Nabuwat doctrine and that we supported the demands against the Ahmadiya community. I, however, made it clear that the movement had a political motive with which the Anjuman should have nothing to do. It was for this reason that the Goondas of Sheikhpura who were backing this movement turned against me and used to shout slogans while passing in front of my house.

Q. Did you express your disapproval of the form that the agitation was taking?

A. Yes, I said so at the meeting of the Anjuman, at the meeting called by the Deputy Commissioner and at the Aman Committee.

Q. Have you made this statement after meeting the present Chief Minister?

A. Certainly not.

On the 31st of August, a deputation consisting of Abdul Ghani and Ali Sher, M.L.As., Lal Khan, President, District Muslim League, Ch. Ibrahim, President City Muslim League, Barkat Ali, Advocate, and others, came to me and said that they had come with a message from Mr. Muhammad Hasan Ghatha to the effect that I should not appear before the Court of Inquiry to give evidence and that I should send a

false medical certificate. I, of course, refused. Then they suggested that I should go on saying 'yes' to all questions put in cross-examination. To this also I gave my emphatic refusal. A friend of mine came just before I entered the Court room for evidence today and communicated a message to me from Mr. Daultana and Mr. Abdul Hazi Soofi to the effect that I should not give evidence in Court today. The M.L.A. who mentioned this to me is now sitting in Court.

XXn. by Chazi Siraj-ud-Din Mirir:-

Q. Are you on visiting terms with the Ahmadis?

A. Yes, I meet them as I would non-Muslims.

Q. Did you several times approach the Majlis-i-Ahrar, Sheikhpura with a request for permission to speak from their platform?

A. No, never.

XXn. by Mr. Subarwardy, Advocate, for Majlis-i-Ahrar:-

Q. Did you make a report at the police station of the attempt to burn your house?

A. I did not make a formal report but I informed Sh. Fakhar-ud-Din, S.I., Security Staff, and Sayed Muhammad Zakki, S.I., Incharge City Police Station.

The attempt to burn my house had nothing to do with the Khata-i-Nabuwat doctrine. The incident was a natural part of the events that were taking place in the District.

Q. Was at any of the meetings held in connections with the Khata-i-Nabuwat movement violence preached by the speakers?

A. The burden of the speeches used to be that if people do not join the movement, they should be made to do so by force. I did not myself personally attend any one of the meetings and, therefore, I cannot depose to the exact terms in which speeches were being made.

Q. Did you in any of the speeches heard by you over the loud-speaker hear the speaker say that people were not to indulge in violence and that the movement was to be carried on within constitutional limits?

A. I did not hear any such speech.

R.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

2nd September, 1953.

★ Witness No. 10 (Called by Court)

Dr. Fazal-ur-Rehman son of M. Nur Ahmad, Darbar

Shahi, Block No. 10, Sargodha, on S.A:-

I am a practitioner in the Greek system of medicine.

I reside in Sargodha. During the disturbances I was throughout at Sargodha.

In my opinion the Qadianis are responsible for the disturbances. On 5th March 1953 I was going by a bus from Sargodha to Chinot. When the bus passed Rabwah, I saw a jeep coming from the direction of Rabwah, which was being driven by a man who had a revolver on. There were three other occupants of the jeep who had rifles. People in the bus said that this was the jeep which was shooting non-Ahmadias in Lahore.

Cross-examination by Mr. Asadullah Khan, Advocate:-

Q. Did you notice the number of the jeep?

A. Yes. It was 1366.

The jeep was going in the direction of the bridge near Chinot. I remember that two of the persons travelling by the bus were Maulvi Muhammad Hasan of Ahmadpur in the district of Shekhpur and Maulvi Zain-ul-Abdin who lives in the Calcutta House Abadi in Sargodha. They both

said that they knew that the jeep in question was the one which was being used by the Ahmadis for firing at non-Ahmadis. There was also a sub inspector in the bus, but I do not remember his name. I do not remember whether Maulvi Muhammad Haseer and Maulvi Zain-ul-Abidin said that they had actually seen the jeep shooting at people. The plate of the jeep bore the letters and figures "G.T.1366".

Cross-examination:- Nil.

R.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

2nd September 1963.

Witness No. 11 (Called by Court)

Hakim Mahtab Din son of Hakim Nur Din, Petitioner
Writer and Deed Writer, of Nankana Sahib, on S.A:-

I have read my statement Ex.D.E/10 which I submitted to this Court. It is correct.

I know from experience that Ahmadis who hold public offices, engage themselves in propagating their

religion. As an instance, I mention the case of Muhammad Shafi, who is a Shia Khatib in Tehsil Nankana and is also the Amir-i-Jama'at of that place. Another person is the doctor in charge of the Civil Hospital at Nankana. Both these persons carry on the propaganda of their religion and organize Tabligh parties which visit other places and preach their creed. In my opinion section 153 of the Penal Code should be applied to the case of all persons who preach sectarianism in public. I also think that public servants should be expressly prohibited from taking any part in the organization or propagation of their religion.

Cross-examination:- Nil.

R.O. & A.C.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.
Member.

2nd September 1953.

Witness No. 12 (Called by Court)

Hafiz Muhammad Bakhsh, Secretary Ahmadiya

Jama'at, Chak No. 2/4-L, Near Okara, Cn S.A:-

I have read my statement Ex.D.2/11 which I

submitted to this Court. It represents the incidents that happened to me and other Ahmadis in Chak No. 2/4-L near Okara.

The mob surrounded us, made us recant our religion and then made us march with garlands on, to Maulvi Nazir Ahmad and others in Jamia Millia at Okara. We were also made to abuse the founder of our movement. We were made forcibly to subscribe to the movement. My son is B.A. and my brother's son is a B.A., LL.B. They were both forced to utter abuses to the founder of our movement. The crowd that surrounded us in our houses in the village comprised 4/5 thousand persons and made us march to Okara which is about 4 or 5 furlongs from our village. If we had not done what we were required to do, we would have been dishonoured and murdered during the night and all our property would have been looted. The date on which this incident took place was the 8th of March.

I belong to the Lehori sect of the Ahmadis and do not consider Mirza Ghulam Ahmad to be a Prophet.

The mob that surrounded us in the village had come from Okara, and when we were taken before the Maulvis in Jamia Millia, the Maulvis who were aggressive

were Maulvi Zia-ud-Din who is now a member of the Municipal Committee Okara, and Maulvi Moeen-ud-Din who also belongs to Okara.

Cross-examination by Ghazi Siraj-ud-Din Khair:-

Even before March 1953 the Khata-i-Nabuwat movement was being actively carried on in Okara. The Khata-i-Nabuwat movement on our side began only 4 or 5 months before March 1953. It took the form of the social boycott of the Ahmadis. Our family owns some land in the village. Sharif is my nephew. He is the owner of a shop called "Sharif Brothers" in Okara. It is a grain shop, and during the disturbances all grain lying outside the shop was looted by the rioters. I do not know whether the loss was reported to the police.

Q. Do you know when were Maulvi Zia-ud-Din and Maulvi Moeen-ud-Din arrested?

A. I do not know the dates of their arrest.

I am quite definite that when we were taken to the Jamia Millia, Maulvi Zia-ud-Din was in gallery of the Jamia.

Q. Was any person robbed or any property looted in Okara?

A. No, though an attempt was made to untie our

bullocks and also to break our doors.

We made repeated complaints to the Deputy Commissioner, but he paid no heed. We said that our honour was about to go and that our lives were in danger. He said that he did not care for this.

(Voluntsered) We had three firearms, but we did not use them, though in self-defence we could have done so. We preferred, as a matter of expediency, to declare that we had gone back on our religion and to do what the mob asked us to.

R.O. & A.O.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

2nd September 1963.

O R D E R.

Proceedings adjourned till tomorrow.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

3rd September 1953.

19th sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,	
Chief Justice,	President.
Hon'ble Mr. Justice M.R. Kayani.	Member.

Ch. Fazal Ilahi, Advocate, for the Punjab
Government.

Mr. Yaqub Khan, Advocate, assisted by Malik
Abdul Aziz and Raja Said Akbar, Advocates,
for Mian Murtaz Muhammad Khan Daultana.

Ch. Asadullah Khan, Advocate, assisted by
Ch. Chulan Murtaza, Malik Abdur Rahman Khadim
and Sheikh Nur Ahmad, Advocates, for Sadar
Anjuman Ahmadiya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Ch. Muhammad Hasan Cheema, Advocate, assisted by
Ch. Fatah Muhammad Aziz, for Ahmadiya Anjuman-
Ijtima'at-i-Islam.

Mr. H.S. Suhrawardy, Advocate, for Majlis-i-Ahwal.

Mr. Siraj-ud-Din Munir in person.

Ch. Nazir Ahmad Khan, Advocate, for Jama'at-i-
Islami.

(NOTE.)

No part of the proceedings of today is to be published

in the press. Any one contravening this order will be dealt with as being in contempt of this Court.)

Witness No. 13 (Called by Court)

Maulana Abul Hasrat Sayyid Muhammad Ahmad Qadri,

President, Jamiat-ul-Islam-i-Pakistan, on S.A:-

- Q. Is a person who believes Mirza Ghulam Ahmad Sahib of Qadian to be a Prophet (Nabi) a Kafir?
- A. He is certainly a Kafir.
- Q. Is such a person a Murtadd?
- A. A person who being a Muslim adopts the Ahmadiya creed is in my opinion a Murtadd.
- Q. Is an Ibn-i-Murtadd himself a Murtadd?
- A. No.
- Q. What is the punishment of a Murtadd in Islam?
- A. If he does not revert to Islam, his punishment is that of death.
- Q. If you were the head of the State of Pakistan with full powers to administer the law of Shari'at, will you punish the Ahmadis with death?
- A. No.
- Q. Will they be Sajib-ul-Qata?
- A. No.
- Q. Have you read the Fatwa of Maulana Shabbir

Ahmad Usmani about the Ahmadis?

A. No.

If the Government of Pakistan is based on Islamic law, the Ahmadis will be treated as a minority like other non-Muslims.

Q. What is the definition of a Kafir?

A. A person who does not adopt Islam as his faith is a Kafir.

Q. Are all persons who do not believe in our Holy Prophet to be a Rasul, Kafirs?

A. Yes.

Q. What is the definition of a Muslim?

(Note:- The witness has been explained that he is to give the irreducible minimum conditions which a person must satisfy to be entitled to be called a Muslim.)

- A.
- (1) He must believe in the Unity of God.
 - (2) He must believe in the Prophet of Islam to be a true Prophet as well as in all other Prophets who have preceded him.
 - (3) He must believe in the Holy Prophet of Islam as the last of the Prophets (Khatir-un-Nabiyyeen).

(4) He must believe in the Qur'an as it was revealed by God to the Holy Prophet of Islam.

(5) He must believe as binding on him the injunctions of the Prophet of Islam.

(6) He must believe in the Qiyamat.

Q. Is a Tarik-us-Salat a Muslim?

A. Yes, but not a Munkir-us-Salat.

Q. Is this definition to be found in the Qur'an, or was it evolved by the Muslim doctors with the assistance of the Hadis?

A. The definition is the result of the Qur'an and the Hadis.

Q. Has "Birr" (good or righteousness) anything to do with the definition of a Muslim?

A. No.

Q. Is Khilafat or Imamat a necessary part of a purely Islamic State?

A. No. An Ameer is, however, necessary who must be guided in his duties by Islamic Laws.

Q. At what period of Muslim History did the Muslims have an Islamic State?

A. In the time of the first four Caliphs and in the time of Umar Ibn-i-Abdul Aziz.

Q. Is the institution of legislature as distinguished from the institution of a person or body of persons entrusted with the interpretation of law, an integral part of an Islamic State?

A. No. Our law is complete and merely requires interpretation by those who are experts in it. According to my belief no question can arise the law relating to which cannot be discovered from the Qur'an or the Hadis.

Q. During the Khilafat-i-Rashida and the time of Umar Ibn-i-Abdul Aziz was there a legislature?

A. No.

Q. Who were Sahib-ul-Hil-i-wal-Aqd?

A. They were the distinguished Ulama of the time. These persons attained their status by reason of the knowledge of law. They were not in any way analogous or similar to the legislature in modern democracy.

Q. If we were to have an Islamic State in Pakistan what will be the position of the Kuffar (non-Muslims)? Will they have a voice in the making of law, the right of administering the law and the right to hold public offices?

A. Their position will be that of Zimmis. They will have no voice in the making of laws, no right to administer the law and no right to hold public offices.

Q. In an Islamic State can the head of the State delegate any part of his powers to Kuffar?

A. No.

Q. Will you admit for the Hindus, who are in a majority in India, the right to have a Hindu religious State?

A. Yes.

Q. Will you have any objection of the Muslims are treated under that form of Government as Malishes or Shudras under the Law of Mannu?

A. No.

Q. What will be the duty of the Muslims in India in case of war between India and Pakistan?

A. Their duty is obvious, namely, to side with us and not to fight against us on behalf of India.

Q. Will you allow non-Muslims the right publicly to preach their religion? ✓

A. No.

Q. Will you admit India's right to stop Muslims from preaching their religion in India?

A. In this matter I will have to consult the other Ulama before giving answer to this question.

Every Muslim has a right to preach his religion.

If Muslims in India wish to preach their religion publicly, Pakistan will have to allow a similar right to the non-Muslims here.

Q. How many sects are there in India?

A. According to the tradition of the Prophet there ought to be seventy-three. Some learned Ulama put it at 150.

Q. Do you believe in the tradition?

A. It is a part of that tradition that out of 73 sects only one will go to Paradise and the others will go to Hell.

The name of this favoured sect is Najiyah. The

remaining 72 sects may be Muslims.

Q. Do you know who are Alviyas?

A. They are a sect of the Shias who believe Hazrat Ali to be a Prophet.

There is another sect of Shias, called Ibadiya, who consider Hazrat Ali to be Divine. There is also another sect of Shias, called Ishaqia, who say that the age of prophethood is not yet completed. There is another sect of Shias, called Tanasakhiya who believe in the transmigration of soul. I have not heard of the Shaitantya sect of Qadriyas. There is a sect of Jahima, called Kibaria, who believe the Holy Prophet to be merely a learned man and a philosopher but not a Prophet.

Q. Do you believe in the Hadis reported in Tirmidhi and Saheeh Muslim, that a person who unjustifiably denounces another person as a Kafir is himself a Kafir?

A. Yes.

Q. Do you then agree with Sayyuti that of the two persons accusing each other as Kafir one must be a Kafir.

A. Yes.

Q. Is there a law of war in Islam?

A. Yes.

Q. Does it differ in fundamentals from the present international law?

A. Yes.

Q. What are the rights of a person taken prisoner in war?

A. He can embrace Islam or ask for Aman, in which case he will be treated as a Mustamin. If he does not ask for Aman, he would be made a slave.

Q. Are Ahl-e-Hadis Kafirs in your opinion?

A. There are two kinds of Kafirs, (1) Kafir-e-fiqhi and (2) Kafir-e-qat'a'i. The Ahl-e-Hadis belong to the first kind. The class of Kafirs belonging to the first kind are included among Muslims.

Q. Was Ahmad Raza Khan Brailvi your and your father Maulana Dider Ali Khan's Peshwa?

A. Yes.

Q. Did he give a Fatwa that the Ahl-e-Hadis were Kafirs?

A. Yes, but he drew a distinction between Kafir-e-fiqhi and Kafir-e-qat'ali.

I have not read that Fatwa and cannot say that he drew this distinction in the Fatwa in question. That Fatwa had the support of the Ulama-e-Haramain. There is also another Fatwa against the Deobandis. They stand on the same footing as the Ahl-e-Hadis. There is also a Fatwa by Ahmad Raza Khan Brailvi to the effect that the Shias also are Kafir-e-fiqhi.

Q. We read to you the text of the Fatwa by Ahmad Raza Khan Brailvi regarding Rafizis. Do you agree with this?

A. I have heard the Fatwa and so far as it concerns the Rafizis, I agree with it, but all Shias are not Rafizis. As far as I think Asna-usharis in Pakistan are not governed by this Fatwa.

Q. It is suggested that you also gave a Fatwa to the effect that the Ahl-e-Hadis are outside the pale of Islam?

A. I am not quite sure. I would be able to answer this question only if I see the Fatwa.

R.O. & A.C.

Sd/- M. Munir:
President.

Sd/- M. R. Kayani.
Member.

3rd September 1953.

23rd sitting.

29th September 1952.

Present:

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice.

President.

Hon'ble Mr. Justice M.R. Kayani.

Member.

Ch. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, assisted by Mr. Said Akbar, Advocate, for Mian Muntaz Muhammad Khan Daultana.

Sh. Bashir Ahmad, Advocate, assisted by Ch. Asadullah Khan, Ch. Ghulam Murtaza, Malik Abdur Rahman Khadim and Sheikh Nur Ahmad, Advocates, for Sadar Anjuman Ahmadiya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. Mazhar Ali Azhar, Advocate, for Mr. H.S. Suhrawardy Advocate, for Majlis-i-Ahwal.

Mr. Nazir Ahmad Khan, Advocate, assisted by Mr. Ghias Muhammad, Advocate, for Jama'at-i-Islami.

Ch. Fatah Muhammad Aziz, Advocate, for Ahmadiya Anjuman-i-Isha'at-i-Islam.

Mr. Siraj-ud-Din Munir in person.

Witness No. 13 (Recalled by Ahrar)

Maulana Abul Hasnat Muhammad Ahmad Qadri, on S.A.:-

Examination-in-chief by Mr. Mazhar Ali Azhar on behalf of Ahrar:

On 13th August 1952 I, together with Sheikh Hissam-ud-Din, Maulana Murtaza Ahmad Khan Malkash and

Master Taj-ud-Din Ansari had an interview with the Premier and presented to him the following three demands in writing in respect of the Ahmadis:-

- 9 (1) that the Ahmadis be declared a non-Muslim minority;
- (2) that Ch. Muhammad Zafarullah Khan be removed from the office of Foreign Minister of Pakistan; and
- (3) that all Ahmadis who were occupying key positions in the State should be removed from their posts.

Maulana Ehtisham-ul-Haq and Maulana Abdul Haamid Badayuni

from Karachi had also joined us in the deputation. Khawaja

Nazim-ud-Din said that he would give a reply to the demands

on 16th August. During the conversation we questioned

Khawaja Nazim-ud-Din if he had promised to Maulana Akhtar

Ali Khan, who had seen him earlier, that the demands would

be conceded before the Independence Day on 14th August 1959.

Khawaja Nazim-ud-Din said that he had made that promise to

Maulana Akhtar Ali Khan but that it had not been intended

for publication.

I again saw Khawaja Nazim-ud-Din on 16th August. With

me were Sheikh Hissam-ud-Din, Maulana Murtaza Ahmad Khan

Malikash and Master Taj-ud-Din Ansari. We again asked him

whether Government had taken any decision in respect of the

three demands. He enquired from us if we had seen the Press

Communiqué issued by the Central Government to the effect

that Ministers and Government officers were not to indulge in sectarian religious propaganda. We said that we had seen the aforesaid communique as well as Ch. Muhammad Zafarullah Khan's observations in regard to it. Khawaja Nazim-ud-Din then said that the action taken by the Government, namely the publication of the communique, should satisfy us. He said that the communique had nothing to do with the demands that we had presented to him.

Four or five months later, we again saw Khawaja Nazim-ud-Din at Lahore. On that occasion there were with me Manlana Akhtar Ali Khan, Hafiz Khadim Husain, Master Taj-ud-Din Ansari and one or two other persons. We again pressed the demands before him, but he said that he had given a good deal of thought to the matter and had arrived at the result that it was difficult for him to concede them.

Q. Did he give any reason?

A. I do not remember.

Khawaja Nazim-ud-Din asked us to see him again in Karachi.

I said that it was now useless to pursue the matter with him.

As far as I remember, I again met Khawaja Nazim-ud-Din in Karachi in the month of January. Master Taj-ud-Din, Sheikh Hisan-ud-Din and Sayyed Muzaffer Ali Shamsi were

with me. On this occasion Khawaja Nazim-ud-Din said that if

he removed Ch. Muhammad Zafarullah Khan from the Cabinet, Pakistan would not get a grain of wheat from the United States of America. We did not then refer to the other two demands.

Q. Did you see Khawaja Nazim-ud-Din a day before the arrests were made in Karachi?

A. I was arrested in the early hours of the morning of 27th February in Karachi. A day or two before that I, Maulana Abdul Abdul Haamid Badayuni, Master Taj-ud-Din Ansari and Sayyed Muzaffar Ali Shamsi had our last interview with Khawaja Nazim-ud-Din.

We told him that the ultimatum had expired and that we could wait for another day or so. He asked us to reconsider the position and expressed his helplessness in the matter.

Examination-in-Chief by Maulana Daud Ghaznavi on behalf of the Majlis-i-Amali:-

I am President of Jamiat-ul-Ulema-i-Pakistan. The Jamiat is a pro-Muslim League body. I also have worked for the Muslim League, though I am not one of its members. Maulana Muhammad Bakhsh Muslim was an adviser of Jamiat-ul-Ulema-i-Pakistan. He is also pro-Muslim League. Maulana Ghulam Muhammad Tarannam is the President of the Lahore branch of Jamiat-ul-Ulema-i-Pakistan. Maulana Tarannam has

nothing to do with the Ahrar and is a sympathiser of the Muslim League. The aforesaid persons and I were all members of the Majlis-i-Amal, Punjab. Maulana Abdul Haamid Badayuni is the President of the branch of the Jamiat-ul-Ulema-i-Pakistan in Sind. I do not know whether Maulana Abdul Haamid Badayuni was a Congressite. I know that he was associated with the Qaid-i-Azam. I say this because on two or three occasions I saw him sitting on the same stage with the Qaid-i-Azam at public meetings.

Maulana Entisham-ul-Haq was the convener of All Pakistan Muslim Parties Convention in Karachi. That convention was held on 16th, 17th and 18th January. In the matter of the doctrine of Khatm-i-Nabuwat, it is not true to suggest that we were led by the Ahrar. The correct position is that the Ahrar joined us in this movement. The meetings of the Majlis-i-Amal used to be held only in the office of the "Zamindar".

A deputation of the Majlis-i-Amal waited on the Chief Minister of Punjab. I do not know the date on which we saw him. The members of the deputation were Murtaza Ahmad Khan Maikash, Maulana Akhtar Ali Khan, Master Taj-ud-Din and myself. We presented him with a copy of the demands of All Muslim Parties Convention in respect of the

Ahmadis. This is Ex.D.E.22. We mentioned to him the several grievances which the general body of Muslims had against the Ahmadis in the Punjab. He said that he would have an inquiry made into the allegations. He also said that if during the investigation it was found necessary for him to call us, he would send for us.

TO COURT:-

Q. Please state in detail the activities of the Jamiat-ul-Ulema-i-Pakistan before the All Muslim Parties Convention held in Lahore in July 1952, regarding their differences with the Ahmadis on the doctrine of 'Khatm-i-Nabuwat'?

A. I can recall no such activity. The only work that I can recall as having been done by the Jamiat-ul-Ulema-i-Pakistan is of relief in the Kashmir Jihad.

Q. When was the first meeting of the Jamiat-ul-Ulema-i-Pakistan held?

A. In Multan sometime in 1941.

Q. Did you know anything about the Jamiat-ul-Ulema-i-Hind before the Partition?

A. No.

Q. Were you born in Lahore?

A. No. I was born in Alwar.

Q. When did you come to Lahore.

A. 22 or 23 years ago. I was sent for by Mirza

Zafar Ali, Mutawalli of Wazir Khan Mosque.

He appointed me as Khatib of that mosque which

office I held up to the date of my arrest.

Q. What were your duties as Khatib of Wazir Khan Mosque?

A. My duties were congregational addresses on Fridays,

morning Dars and giving Fatwas.

I was appointed on a salary of Rs. 100/- per mensem

and free residence. At the time of my arrest I was

drawing a salary of Rs. 175/-.

Q. Have you made any contribution to religious literature in writing apart from your writings in regard to Mirzaiyyat?

A. I am the author of several works including 'Balugh-ul-Maram' and 'Auraz-i-gham'.

Q. Who suggested the idea of holding All Muslim League Parties Convention?

A. I cannot say, but so far as I am concerned, the idea was first mentioned to me by Mufti Muhammad Hasan of Jamia Ashrafiya. This was a few days before the convention was actually held.

Who organized the All Muslim Parties Convention in Karachi?

A. I do not know.

Q. When was the Central Majlis-i-Amal appointed by the Convention?

A. on the 18th January, 1953.

Q. Who were the members of the Majlis-i-Amal?

A. Pir Sargana, Maulana Athar Ali, Syed Suleman Nadvi, Maulana Maududi, Mufti Muhammad Shafi and some others whose names I do not remember. There were fifteen members in all. Eight members of the Majlis-i-Amal were chosen by the Convention in the morning. These eight were permitted to co-opt seven other members with them. A meeting of the Majlis-i-Amal took place in the evening of 18th January and the remaining seven members were co-opted. Of the seven co-opted members, I can only recollect the names of Sahibzada Faiz-ul-Hasan and Syed Ataullah Shah Bokhari.

Q. When were the members of the Majlis-i-Amal who were to present the demands to Khawaja Nazim-ud-Din selected?

A. At the meeting of the Majlis-i-Amal held on 18th January. It was the same meeting in which seven members had been co-opted.

Maulana Maududi was present at the morning session of the Convention which had appointed the Majlis-i-Amal.

Q. Was he present at the evening session when the members were co-opted and persons who were to present the demands to the Premier selected?

A. No. He had sent a message that he was busy with some other work, and deputed his deputy. I do not remember the name of that person but he was the Amir of the Jama'at-i-Islami in Karachi. This deputy was present when the seven members were co-opted and persons who were to take the demands to the Premier selected. At that time the representative of the Jama'at-i-Islami raised no objection to the constitutionality of the meeting of the Majlis-i-Amal.

Q. Was there a Subjects Committee for the Convention?

A. No.

Q. Do you remember Maulana Maududi having stated that in view of the decisions arrived at the Convention it was not necessary to appoint a Majlis-i-Amal or to resort to Direct Action?

A. No.

Q. Was there a public meeting on the evening of 18th?

A. Yes. This meeting was held under the auspices of the Convention and was attended by 50,000 or 60,000 people. There was no restriction against admission. This meeting was held after Isha prayers.

Q. At what time was the meeting of the Majlis-i-Amal held in the evening?

A. After Maghrib prayers.

.. Are you sure about it?

A. The meeting of the Majlis-i-Amal might have been held before or after the public meeting.

Q. Was a record of the proceedings of the Majlis-i-Amal made?

A. Yes.

Q. Was it announced at the public meeting that on the following morning volunteers would be picketing the houses of the Premier and the Governor-General?

XXn. by Ch. Nazir Ahmad, advocate for the Jama'at-i-Islami:-

The Convention of 13th July at Lahore was attended by two representatives of the Jama'at-i-Islami, namely, Nasarullah Khan Aziz and Amin Ahsan Islahi. Two seats were allotted to the Jama'at-i-Islami and it is not true

to suggest that the Jama'at did not send any of its representatives to the Majlis-i-Amal. The proceedings of the Convention of 13th July were recorded. This record must be at my house.

Q. Who prepared the record of the proceedings of the Ulama who assembled in Karachi to consider the Basic Principles Committee Report?

A. One of the men of Maulana Ehtisham-ul-Haq.

Q. Was the question of declaring the Ahmadis a minority discussed at the Ulama Conference, held to consider the B.P.C. Report?

A. I do not remember.

Q. Was the attitude of Maulana Abul Ala Maudoodi regarding the Direct Action different from that of the other parties?

A. No.

Q. Who prepared the record of the proceedings of the Convention?

A. One of the men of Maulana Ehtisham-ul-Haq.

Q. Was a record of the speeches made at the Convention prepared?

A. No.

Q. Is it true that it was suggested by Maulana Abul

Ala Maudoodi at the Convention that in view of the decision arrived at at the Ulema Conference regarding the report of the Basic Principles Committee, to discuss the question of Ahmadis separately?

A. No. What transpired at the Convention must have been recorded. This record should be with Maulana Ehtisham-ul-Haq.

Q. Was a meeting of the Majlis-i-Amal, consisting of the fifteen members, ever held?

A. Yes.

Q. Any record of it?

A. There must be.

Q. With whom should this record be?

A. I do not know. (Again said). This record should be with Maulana Ehtisham-ul-Haq.

There should be a record of the decision by the Majlis-i-Amal to send a deputation to the Prime Minister. Maulana Abul Ala Maudoodi was not a member of that deputation.

Q. Did Maulana Abul Ala Maudoodi ever object to the constitutionality of the deputation?

A. No.

I was present at the meeting of the Punjab Majlis-i-

Amal held in Lahore on 13th February 1953. In that meeting no objection was taken either by Maulana Abul Ala Maudoodi or any one on his behalf to the proceedings of the Majlis-i-Amal at Karachi since 17th January. If a meeting of the Majlis-i-Amal took place on 13th February 1953, its proceedings should be on record. Maulana Abul Ala Maudoodi never submitted any objections to the propriety of the action taken by the Majlis-i-Amal Karachi at any meeting of the Punjab Majlis-i-Amal held at Lahore.

No objection was taken by Maulana Abul Ala Maudoodi to what had been done by the Majlis-i-Amal at the meeting of the Majlis-i-Amal held in Karachi a day or two before my arrest. The proceedings of that meeting were recorded and should be with Maulana Htisham-ul-Haq. Maulana Maudoodi was present at the meeting of the Majlis-i-Amal held at Karachi.

Q. Was anything said about the three demands in respect of Ahmadis, when you saw the Chief Minister of the Punjab?

A. I do not remember.

Cross-examination by Mr. Yagub Ali Khan:- I saw the Chief Minister of the Punjab in connection with this movement only twice, once in August and then several months

later on a Friday. On one of these occasions, the major demands against the Ahmadis were mentioned, but he said that he could do nothing in the matter, as the matter was within the province of the Centre. We asked him to give us his support, but he said that he did not like to interfere in this matter. It is entirely untrue that a meeting of the Majlis-i-Amal was held at the residence of the Chief Minister of the Punjab. Equally untrue it is to suggest that the Chief Minister ever said to the members of the Majlis-i-Amal that the movement against the Ahmadis was to be strengthened but that it would be directed against the Centre.

Maulana Akhtar Ali Khan never stated at any meeting of the Majlis-i-Amal that he would see that the volunteers who left for Karachi were not arrested by the Punjab Government.

To my knowledge Mr. Daultana never advised the Majlis-i-Amal or any of its members to go along with the anti-Ahmadiya movement.

So far as I know, Mr. Daultana had nothing to do with the demand relating to removal of Ch. Muhammad Zafarullah Khan. The advertisement (Ex.D.E.17) was issued by the Majlis-i-Amal, but it related to the yaum-i-mutalibat of the Khutba-i-Nabawwat week. After I saw this

advertisement, I asked the "Zamindar" office why they had falsely published that enquiries regarding the Khatm-i-Nabuwat week were to be made from the department of Islamiat. Maulana Akhtar Ali Khan promised to make enquiries into the matter, but never told me anything about the result. He said he would publish a contradiction. Accordingly, a contradiction was published by the "Zamindar" on 8th November (Ex.D.2.23).

To Court:

I have been shown what is reported at page 1 of the "Zamindar" for the 17th February 1953 and I do not remember having ever said that the sponsors of the Direct Action would go to jail and that they were not concerned with what would happen after they were imprisoned. Nor do I remember having ever said that because it was a religious issue the iman of the police would be on trial. I believe that if a policeman is required to do something which we consider to be contrary to our religion, it should be the duty of the policeman to disobey the authority. The same

• would be my answer if "army" were substituted for the
"police".

R.O. & A.C.

Sd/- M. Munir.

President.

Adjourned till tomorrow.

Sd/- H. R. Kayani.

Member.

• 23th September 1953.

Witness No. 13 (re-called by the Majlis-Ahrar):

Maulana Abul Hasanat Muhammad Ahmad, President,

Jamia'at-ul-Ulema-i-Pakistan, on solemn affirmation

(continued):-

To Court:

Q. Do you know if during the Kashmir Jihad a fatwa was issued by Maulana Abul Ala Maudoodi to the effect that the struggle in the Kashmir affair was not a Jihad?

A. Yes. I came across a risala (magazine) issued by the Jama'at-i-Islami in which Maulana Abul Ala Maudoodi had expressed the opinion that the Kashmir struggle was not a Jihad on the part of Muslims. On this the Jamia'at-ul-Ulema-i-Pakistan took up the matter and gave a contrary fatwa. The authors of this fatwa were Maulana Muhammad Hasan of Jamia Ashrafia, Maulana Ahmad Ali and myself..

Q. Do you remember if there was a yaum-i-mitalibat in November 1952?

A. I do not remember.. There was only one yaum-i-mitalibat. That yaum-i-mitalibat was celebrated before the firing in Multan.

Q.. Was any advertisement sent by the Majlis-i-Amal to the "Zamindar" for publication?

A. I do not know.

Q. You stated yesterday that, if a policeman or a soldier was required by a superior authority to do what you considered to be contrary to religion it would be the duty of that policeman or the soldier to disobey such authority. Will you give to the policeman or the soldier the right of himself determining whether the command he is given by his superior authority is contrary to religion?

A. Most certainly.

Q. Suppose there is war between Pakistan and another Muslim country and the soldier feels that Pakistan is in the wrong and that to shoot a soldier of the other country is contrary to religion, do you think he would be justified in disobeying his commanding officer?

A. In such a contingency the soldier should take a fatwa of the Ulema.

Q. What is your view about Talha and Zubair marching on Basra with Hazrat Aisha against Hazrat Ali?

A. In my view Talha and Zubair were in the wrong. So far as Hazrat Aisha was concerned she returned when she felt that her action was wrong.

Q. Are you a member of the Board of Islamiyat?

A. Yes.

Q. Are you paid anything for attending the meetings of that Board?

A. Yes, Rs. 50/- per attendance.

Q. Have you been paid any money from the department of Islamiyat for giving any lecture or contributing any article?

A. No. (The witness then corrects himself and states)
I delivered lectures in Kharian, Gujrat, Kasur, Normal School, Lahore Cantonment, and a High School at Baghbanpura and received a consolidated sum of Rs. 350/- for the work.

This payment was made to me by the department of Islamiyat under the Punjab Government and related to the period from July 1952 to March 1953.

Q. Please look at the speech reported in the "Zamindar" of 3rd February 1953 (Ex.D.B./30) and say whether you made the speech contained therein outside Mochi Gate, Lahore?

A. Yes.

R.O. & A.C.

Sd/- M. Manir. Sd/- M.R. Kayani.
President Member.

30th September 1953.

Witness No. 14 (Called by Court)

Maulana Ahmad Ali, Sadr, Jamiat-ul-Ulema-e-Islam,

Maghrabi Pakistan, on S.A:-

Q. Is a person, who believes Mirza Ghulam Ahmad Sahib of Qadian to be a Prophet (Nabi), a Kafir?

A. Yes.

Q. Is such a person a Murtadd?

A. Yes.

Q. Is an Ibn-i-Murtadd himself a Murtadd?

A. No, certainly not.

Q. What is the punishment of a Murtadd in Islam?

A. Death.

Q. Are all Ahmadis Murtadd?

A. All Ahmadis are Murtadd.

Q. If you were the head of the State of Pakistan with full powers to administer the law of Shari'at, will you punish the Ahmadis with death?

A. No, because Islam does not punish offences committed before the establishment of an Islamic State, but if after the establishment of an Islamic State any Muslim adopts the Ahmadiya creed, he will be punished with death.

Q. Who is a Kafir?

A. A person, who does not believe in our Holy Prophet of Islam to be a Rasul, is certainly a Kafir.

Q. Please define a Musalman?

(Note:- The witness has been explained that he is to give the irreducible minimum conditions which a person must satisfy to be entitled to be called a Muslim.)

A. A person is a Muslim, if he believes (1) in the Qiran and (2) what has been said by the Prophet. Any person who possesses these two qualifications is entitled to be called a Muslim without his being required to believe in anything more or to do anything more. ✓

Q. Has there ever been an Islamic State in your sense of the term during the Muslim history?

A. Yes. In the time of our Prophet and in the time of Hazrat Abu Bakr and Hazrat Umar.

During that period there was no legislature in the modern sense, the whole law being contained in the Qur'an and the Sunnah. This was interpreted and applied either by the Prophet himself or by the companions of the Prophet who had the benefit of personal communion with the Holy Prophet. All decisions in those days were, however, taken in consultation, which is all the more necessary in the present

conditions. Therefore, I think, legislatures are a necessary part of Islamic democracy, but the methods of modern elections are definitely un-Islamic, because candidates themselves offer for election and are not elected voluntarily by the people.

Q. Who were Sahib-ul-Hall-i-wal-Aqd?

A. They were the people responsible for the guidance of the Millat. They used to be elected by the public.

Q. If we were to have an Islamic State in Pakistan, what will be the position of the Kuffar? Will they have a voice in the making of laws, the right of administering law and the right to hold public offices?

A. Their position will be that of Zimmis. They will have no say in the making of laws and no right to administer the law. Government may, however, permit them to hold any public office.

Q. Will you admit for the Hindus, who are in majority in India, the right to have a Hindu State?

A. Yes, but it will be their duty to protect Muslims in exactly the same way as we are to protect zimmis.

Q. Will you have any objection if the Muslims are treated under that form of Government as Malishes or Shudras?

A. It is the concern of that Government.

Q. What will be the duty of the Muslims in India in case of war between India and Pakistan?

A. Their obvious duty will be not to fight against the Pakistan forces.

Q. Do you believe in the Hadis reported in Tirmizi and Sahih Muslim that a person, who unjustifiably denounces another as a Kafir is himself a Kafir?

A. Yes.

Q. Do you agree with Sayyuti that of the two accusing each other as Kafir one must be a Kafir?

A. I have not read Sayyuti's book, but the inevitable result of Sayyuti's opinion is that one of them would be a Kafir.

Q. Do you believe in the Hadis that the Muslims will be split into 73 sects, of which only one sect will go to Paradise and the others to Hell?

A. Yes.

A. Is a person, who does not believe in the Khilafat of Hazrat Abu Bakr and Hazrat Umar and considers them to be usurpers, a Kafir?

A. No.-

There are two kinds of Kufr. One form of Kufr entirely takes a man outside the pale of Islam and the other keeps him within the pale of Islam. persons, who believe Hazrat Abu Bakr and Hazrat Umar to be usurpers are not Kafirs of either kind.

Q. Have you heard the name of Ahmad Raza Khan Brailvi?

A. Yes.

Q. Do you know that there is a Fatwa that Asna Ashris are Kafirs?

A. I have not read that Fatwa. If it says that Asna Ashris are Kafirs I will not agree with it.

Q. And what about the Ahl-e-Hadis and the Deobandis?

A. There is a similar Fatwa against them by Ahmad Raza Khan Bareillyvi. I should not agree with this.

Q. If the creed of Ahmadis of the Lahori sect be that Mirza Ghulam Ahmad Sahib was not a Prophet but only a Mujaddid, will you consider them as Kafirs and outside the pale of Islam?

A. If this is their creed and they also assert
that those, who believe Mirza Ghulam Ahmad Sahib
to be a Prophet, are Kafirs, we will not call
them Kafirs.

R.C. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

3rd September 1953.

Witness No. 15 (Called by Court).

Maulana Abul Ala Maududi on solemn affirmation:-

I was the Amir of the Jama'at-i-Islami before I was sentenced by a Special Military Court.

Q. Is a person who believes Mirza Ghulam Ahmad to be a Prophet (Nabi), a Kafir?

A. Certainly.

Q. Will you call such a person murtadd?

A. An ibn-i-murtadd is not himself a murtadd. Therefore those Mussalmans who adopt the Ahmadiya creed will alone be murtadd.

Q. What is the punishment for a murtadd in Islam?

A. The maximum punishment of a murtadd is the capital sentence.

Q. Are all persons who do not believe in our Holy Prophet to be a Rasul, Kafirs?

A. Yes

Q. Please define a "Muslim"? (The witness has been explained that he is to give the irreducible conditions which a person must satisfy to be entitled to be called a Muslim.)

A. A person is a Muslim if he believes (1) in Toheed, (2) in all the Prophets (Ambiya), (3) all the books

revealed by God, (4) in Mala'ika (angels), and (5) Yaum-ul-Akhera (the Day of Judgment).

Q. Is a mere profession of belief in these articles sufficient to entitle a man to call himself a Mussalman and to be treated as a Mussalman in an Islamic State?

A. Yes. This opinion of mine is in complete accord with the expression in the chapter "Fitna-i-Takfir" at page 141, part II of my work called "Tafhimat".

Q. If a person says that he believes in all these things does anyone have a right to question the existence of his belief?

A. The five requisites that I have mentioned above are fundamental and any alteration in any one of these articles will take him out of the pale of Islam.

Q. Is Khilafat or Imammat a necessary part of a purely Islamic State?

A. In an Islamic Government there must be a head of the State, call him a Khalifa or an Imam or an Amir. His duties and rights will precisely be the same as in the time of Khulafa-i-Rashidin.

Q. Was there a legislature in the time of Khulafa-i-Rashidin?

A. Yes.

Q. In the same sense as we have legislature in these days?

A. No, the difference being (1) the legislature of those days was precluded from enacting any law contrary to the Quran or the Sunna, and (2) all its powers of legislation were subject to the dictates of the Quran and the Sunna.

Q. Were the legislators elected as they are these days?

A. No, there was a difference, namely, that only those persons who represented the people and who were held in high esteem by reason of their ability and their knowledge of the law were taken in the legislature.

In the time of the Khulafa-i-Rashidin there was a standing body called Majlis-i-Shura which the Khalifa was bound to consult.

Q. Did this Majlis-i-Shura have the powers to legislate in the modern sense?

A. This Majlis had, in the real sense, legislative powers and you may call the resolutions or decisions taken by them as legislation or "Ijma". The other name for this Majlis-i-Shura was Sahib-ul-Hil-i-wal-Aqd.

Q. Are you in favour of having an Islamic State in Pakistan now?

A. Certainly.

Q. Did you express an opinion to the contrary in the Tarjuman-ul-Quran for February 1946?

(A passage from page 6 of "In sariftariyon ka pas-i-Manzar" which reproduces a quotation from the Tarjuman-ul-Quran for February 1946 is read out to the witness.

This passage is in the following terms:-

”پھر اگر عرض کیا کہ اگر وہ اکثریت میں منتخب ہو جائے تو جو طاقت اس وقت پائے جاتے ہیں ان میں یہ
تکلیف نہیں ہے کہ آزاد پاکستان کے نظام کو اسلامی دستور میں تبدیل کیا جاسکے۔ کیونکہ جنت المصطفیٰ میں
وہ نبی ہی تو لازماً جمہوری لادینی الشیث کے نظریہ پر بنے گا۔ جس میں غیر مسلم اسی طرح برابر کے
کے ساتھ ہی کی طاقت اٹھائی کر رہے ہو گی کہ نہ لیت اسلامی حکومت کا قانون اس قدر ان
اس جمہوری نظام کا دستور بنایا جاسکے۔ ہم اس حقائق کو سمجھتے ہیں اور اس کا پورا پورا
نزدیک وہ خود بخود بالکل لا حاصل ہیں جس سے ہمارے محترم مسلمانوں کا دل اس کے
طور پر سوچنے والے مسلمان اسلامی نظام کے قیام کی امیدیں وابستہ کر کے پیش

کامیابی کے لیے جس طرح کی تدابیر اختیار کرنی چاہئیں، ان کی روشنی میں سوچنا چاہیے۔ موجودہ حالات میں پاکستان کی حالت قلعہ طور پر رہا ہے اور اس پر دہ آج بڑا خطرہ آ رہا ہے۔ اس سے نظام کے زوال کے لیے خطرہ ہے۔ اسلام کی طرف سے انقلاب رونما ہو سکتا ہے۔

A. I did express this opinion in the Tarjuman-ul-Quran but it was based on the picture of Pakistan that was being presented to us then. Now the conditions are different and we can have a purely Islamic State.

Q. How have the conditions changed?

A. As was then anticipated, Western Pakistan was to include at least 35% of non-Muslims. They have now all left and we have in Western Pakistan a completely Muslim population. The percentage of non-Muslims has also decreased in East Pakistan.

Q. If the East Pakistan were a separate State, do you think you could have a purely Islamic Government in that region with the present Hindu population?

A. There will be difficulties there, the percentage of non-Muslims there being about 25%.

Q. If East Pakistan is a necessary part of Pakistan, then how do you say that conditions have changed and that a purely Islamic Government can be framed for the whole of Pakistan?

A. The difficulties have now lessened.

Q. If we have to have an Islamic State in Pakistan, what will be the position of the "Kuffar"? Will they have a hand in the making of the law, the right to administer the law and the right to hold public offices?

A. Their position will be that of Zimmis. In my opinion non-Muslims cannot be put in key positions in the State. It will not, in my opinion, be right to take them in the legislature. All that the Islamic State will be able to do for the Zimmis will be to let them have their own courts to administer that law. They will have nothing

to do with the Nizam-i-Hakumat. What is meant is that they will not be associated with the formulation of a policy of the State or to taking of vital decisions.

Q. If we have this form of Islamic Government in Pakistan, will you permit Hindus to base their constitution on the basis of their own religion?

A. Certainly. I should have no objection even if the Muslims of India are treated in that form of Government as Shudaras and Malishes and Mannu Laws are applied to them, depriving them of all rights of a share in the Government and the rights of a citizen. In fact such a state of affairs already exists in India.

Q. What will be the duty of the Muslims in India in case of War between India and Pakistan?

A. Their duty is obvious and that is not to fight against Pakistan or to do anything injurious to the safety of Pakistan.

Q. What is the distinction between "Dar-ul-Harab" and Dar-ul-Islam?

A. Pakistan, if it has an Islamic form of Government, will be Dar-ul-Islam.

Q. Is a country on the border of Dar-ul-Islam have always an an Islamic State in the position of Dar-ul-Harab?

- 100 -

A. No. In the absence of an agreement to the contrary the Islamic State will be potentially at war with the non-Muslim neighbouring country. The non-Muslim country acquires the status of Dar-ul-Harab only after the Islamic State declares a formal war against it.

Q. Will you allow non-Muslims in Pakistan the right publicly to preach and propagate their religion?

A. They will have this right to certain extent.

Q. And the right for the Muslims to preach and propagate their own religion?

A. This activity of the Muslims also will be subject to certain limitations. The propagation of Islam in Pakistan in a manner which leads to quarrels and bloodshed will be controlled to the same extent as the propagation of their own religion by non-Muslims.

Q. Is a Musselman under a religious obligation to preach his religion?

A. Yes, it is his religious duty.

Q. What about the rights of the Muslims in India to preach their own religion?

A. It is their duty in their country as our duty in our own.

Q. Do you believe in the tradition which attributes a saying to our Prophet that if a person wrongly accuses another of being a Kafir, he himself is a Kafir?

A. Yes, but this Hadis must not be taken literally and so far as my own opinion is concerned, we will follow from this that if a person accuses another of a particular kind of Kufar and the accusation is untrue, he will be guilty of the same kind of Kufar. I also believe in the Hadis which attributes to our Prophet the saying that in Islam there will be 73 sects of which only one will go to the paradise and the others to hell, but the figure 73 in the Hadis is purely figurative implying multiplicity.

Q. Is there a law of war in Islam?

A. Yes.

Q. Does it differ fundamentally from the modern International Law of War?

A. These two systems are based on a fundamental difference.

Q. What rights have non-Muslims who are taken as prisoners of war in Jihad?

A. The Islamic Law on the point is that if the country of which these prisoners are nationals pays ransom, they will be released. An exchange of prisoners is also permitted. If neither of these alternatives is possible, the prisoners will be converted into slaves for ever. If such person makes an offer to pay his ransom out of his own earnings, he will be permitted to collect the money necessary for the Fidyah (ransom).

Q. Is there a Jama'at-i-Islami in India?

A. Yes.

Q. When was the Jama'at-i-Islami founded in Pakistan?

A. After the Partition; I do not remember the date.

Q. Was it not in July 1952?

A. I cannot say. The present constitution of the Jama'at was framed in August 1952.

Q. What is the difference in the objectives of the Jama'at-i-Islami in India and the Jama'at-i-Islami in Pakistan?

A. The objectives of both the Jama'ats are the same.

Q. Is the object of the Jama'at-i-Islami in Pakistan the creation of an Islamic State?

A. Yes.

The object of Jama'at-i-Islami in India also is to strive for the conversion of the social and political system to an Islamic system.

So far as I know, there is no Fatwa against the Jama'at-i-Islami of Kufar or Irtada by any Ulema of India or Pakistan.

Q. Did you, during the fighting in Kashmir, express the opinion that the fighting was not a "Jehad" for the Muslims of Pakistan?

A. No. I never expressed any such opinion. I have explained away this unfounded allegation in the pamphlet written by the Jama'at-i-Islami bearing the title "Maulana Maudoodi ~~ki~~ qazari bandi ki kiya".

Q. Did you in 1946 express the opinion that the Muslim League movement was being conducted on non-Islamic lines and that it was not a national movement of the Muslims?

A. I think my words have been misconstrued. Muslim League was certainly a national movement and I could not have described it anything else. It was certainly not an Islamic movement. ✓

Q. Are you of the view that unless a Government assumed the form of an Islamic Government, any war declared by it is not a Jihad?

- A. No. A war may be declared to be a Jihad if it is declared by a national Government of Muslims in the legitimate interests of the State.

I never expressed the opinion attributed to me in Ex.

D.E./12 (the document to remain confidential and in a sealed cover) to the following effect:-

"Indian Union ke sath apne muahidat khatam karke ailaan-i-jang kar bhi de to kaya uski yeh jang jihad ke hukam men a-jai-gi ap ne is bara men jo rai zahir ki hai woh bilkul darust hai jabteek hakumat Islami nizam ko ikhtiyar karke Islami nah ho jai us wast tak uski kisi jang ko jihad kehna aise hi hai jaise kisi ghair Muslim ke Azad Kashmir ki fani men bharti ho kar lerne ko jihad aur uski maut ko shahadat ke nam de-diya-jai."

Cross-examination by Mr. Muhammad Hasan Cheema.

Advocate:-

In my opinion the Lahori sect of Ahmadis are Munefiqeen which means they are not outside the pale of Islam.

R.O. & A.C.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

3rd September 1953.

Witness No. 16 (Called by Court)

Ghazi Siraj-ud-Din Munir, on S.A:-

Q. What are your educational qualifications please?

A. I am a Graduate from the University of Bombay and
M.A., Ph.D. from University of Berlin.

Q. Did you take the M.A. degree in politics?

A. Politics was my subject in my degree as well as
post-degree course.

I took my M.A., Ph.D. in 1939.

Q. Who was the leading authority in Western politics
in 1939?

A. I have read almost all authorities on politics.

Q. What is your view on Bluntschli's theory of State?

A. I have not read Bluntschli. In those days the only
political philosophy we were taught was the
Hitlerite Nazi philosophy.

Q. Did you read Nietzsche?

A. Yes.

Q. His Twilight of Idols?

A. Yes.

Q. What is your view about Twilight of Idols?

A. I have got my own independent views.

Q. Have you any definite views about Nietzsche's
Twilight of Idols?

A. In that book he has dealt with the theory of superman.

Q. What do you think of Utilitarian theory of State?

A. I agree with that theory.

Q. Is it not completely opposed to the Islamic conception of State?

A. Not in the least.

Q. Please explain the Utilitarian theory?

A. Utilitarian theory means that every State must exist for the good of the people it governs.

Q. You agree with that theory?

A. Surely.

Q. What about Laissezfaire in legislation.

A. I have not read much about it.

Q. Is not Utilitarian theory of State based on Laissezfaire principle?

A. Yes.

Q. What has to think for the betterment of the citizen, the citizen himself or the State?

~~the State should think for the citizens.~~

A. In Germany.

Any letter from her?

No. The last letter I received from her was in 1940. She was then in the East. She was then in the East. She was then in the East.

Q. When were you in Germany?

A. From 1936 to 1939.

Q. Did you meet Hitler there?

A. I did see him several times.

Q. And his Propaganda Minister Dr. Goebbels?

A. Yes.

Q. And his daughter Nabeela?

A. Yes. I met her.

Q. Did she fall in love with you or you fell in love with her?

A. Neither.

Q. Did you convert her to Islam?

A. Yes.

Q. Where is she now?

A. In Germany.

Q. Any letter from her?

A. No. The last letter I received from her was in 1946.

Q. Are you a great admirer of Jamal-ud-Din Afghani?

A. I have the honour of following his philosophy.

Q. Did he express the view that where there is a Text, however clear it may be, if it plainly conflicts with reason, the decision must be according to reason? Do you agree?

A. No. I do not agree with that opinion if it conflicts with the "Muhkammat" or "Bayyanat" of the Holy Qur'an.

Q. Do you believe in Hadis?

A. Yes, but I subordinate the Hadis to the Holy Qur'an.

Q. When were the Ahadis compiled?

A. Three hundred years after the death of the Prophet.

Q. I put it to you that it was within less than 200 years after the death of the Prophet?

A. They were collected about 200 years after the death of the Prophet.

Q. With Jamal-ud-Din Afghani as your ideal, how have you degraded yourself into this Ahmadiya and non-Ahmadiya controversy?

A. I am against the Ahmadis for political reasons. They want to capture the State and also to set up their own State. I am, therefore, opposed to this political movement.

I consider the Qadiani movement parallel to the Zionist Movement. In my opinion this movement should be banned by law just as Trotskyism is banned in U.S.S.R. and Communism in U.S.A.

Q. Please define a Muslim?

(Note:- The witness has been explained that he is to give the irreducible minimum conditions that a man must possess to be entitled to be called a Muslim.)

- A. In consider a man to be a Muslim if he professes and believes in the Kalima, namely, La Ilaha Illallah-o-Muhammed-ur-Rasulullah, and leads a life in the footsteps of the Holy Prophet.
- Q. This demand of yours that Ahmadis be declared a minority is based on certain religious conceptions?
- A. Yes. My demand that the Ahmadis be declared a minority is based on my religious convictions.
- Q. What will you do with them if you were the head of the Pakistan State.
- A. I would tolerate them as human beings but will not allow them the right to preach their religion.
- Q. You will claim for yourself the right to preach Islam in Pakistan?
- A. Yes.
- Q. What will you do with the other Kuffar in Pakistan. Will you give them the right to take part in the Legislation, to administer the law or to hold any public office?

A. I would certainly allow them a right in the legislation, the right to hold public offices and the right to administer the law.

Q. Has Islamic law ever been administered by the Kuffar?

A. The law will be the Islamic law but the functionaries may be non-Muslims. They will administer law of the State as the Muslims will. The Judges in an Islamic State will be entirely independent of the executive.

Q. Do you want an Islamic State in Pakistan?

A. Surely.

Q. What will be your reaction if the neighbouring country was to found their political system on their own religion?

A. They can do it if they like.

Q. Do you admit for them the right to declare that all Muslims in India are Shudras and Malishes with no civil rights whatsoever?

A. We will do our best to see that before they do it their political sovereignty is gone. We are too strong for India. We will be strong enough to prevent India from doing this.

Q. Is it a part of the religious obligations of Muslims to preach their religion?

A. Yes.

Q. Is it a part of the duty of Muslims in India publicly to preach their religion?

A. They should have that right.

Q. What if the Indian State is founded on a religious basis and the right to preach religion is disallowed to its Muslim nationals?

A. If India makes any such law I, as believer in the Expansionist movement, will march on India and conquer her.

R.O. & A.C.

Sd/- M. Munir.

President.

Sd/- M.R. Kayani.

Member.

3rd September, 1953.

Witness No. 16 recalled:-

Statement of Ghazi Siraj-ud-Din Munir on solemn
affirmation:-

I agree with Maulana Ataulleh Shuh that there is no
distinction in Islam between religion and politics. I agree
with the view taken by Allama Iqbal that Islam is a
religio-political movement.

Q. Have you ever studied Islam as a world movement?

A. I consider Islam to be a world ideology.

Q. You have been a student of politics and taken
degrees of Ph.D. and M.A. in political science.

Do you agree that politics is a science?

A. It is quite true to say that politics is a science.

Q. Are all sciences based on reason?

A. Inspiration in science has as important a place as has reason.

Q. Can inspiration or revelation in the religious sense be made the basis of politics?

A. Yes.

Q. Can you refer to any book on the subject in which either revelation or inspiration has been treated as a basis of politics?

A. I cannot give you any reference and cannot, therefore, give you any authority. I base my politics on the Quran.

Q. Has any Muslim thinker ever contributed to politics as a science?

A. I should cite the case of Allama Jamal-ud-Din Afghani and Iqbal.

Q. Do you consider their writings as having a proper place in the subject called politics?

A. Yes.

Q. Who is founder of politics as a science?

A. Machiavelli.

Q. What about Aristotle?

A. Aristotle did write on the subject but only incompletely.

Q. Was Aristotelian political philosophy ever studied by any Muslim thinker?

A. Ibn-i-Khaldun expressed his thoughts on it.

Q. What is the position that you give to Ibn-i-Rushd?

A. He was a great thinker.

Q. What is his contribution to politics as a science?

A. He wrote something on Greek political philosophy.

Q. Is it not true to say that it was Ibn-i-Rushd's politics which passed on to Europe and that early western political philosophy was based on his version of Aristotle?

A. Yes.

Q. What place did he give to reason in his politics?

A. In politics foremost position must be given to reason.

Q. Is Muslim politics based on revelation or on reason or on both?

A. Both.

R.O. & A.C.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

4th September, 1953.

Maulana Muhammad Shafi Deobandi, Aram Bagh, Karachi,

on S.A.

Q. Do you belong to the Deobandi School of thought?

A. I was taught in Deoband and am a follower of the Deoband School of thought.

Q. What is your opinion about people who denounce Hazrat Abu Bakar and Hazrat Umar as usurpers of Khilafat?

A. We consider such persons in the wrong. We do not call them as Kafirs. ✓

Q. Do you know that such persons are termed as Kafirs in (1) Fatawa-i-Alamgiri, (2) by Sayyed Abdul Qadir Gilani, and (3) by Hazrat Mujaddad Alif Sani?

A. I cannot believe that there should occur any such language in Fatawa-i-Alamgiri. As far as I know, neither Sayyed Abdul Qadir Gilani nor Hazrat Mujaddad Alif Sani expressed any opinion to this effect.

Q. Do you know Mirza Ahmad Raza Khan Bareilvi?

A. Yes.

Q. Does he and Maulana Abul Hasanat Sayyed Muhammad Ahmad Qadri consider Deobandis and Wahabis to be Kafirs?

A. Yes, there is such a Fatwa by Bareillyvi, but it is based on the mistaken assumption that Deobandis are guilty of contempt (Tauhin) of the Holy Prophet, an assumption which is entirely wrong.

Q. Do you subscribe to a Fatwa read out to you (Ex.D.E./13) that the Asna Ashris are outside the pale of Islam?

A. As far as I remember I dissented from that Fatwa.

Q. Do you consider those, who have pronounced Deobandis as Kafirs, as Muslims?

A. No.

Q. Do you believe in the Hadis, quoted in Tirmizi and Saheeh Muslim that a person, who wrongly denounces another man as a Kafir is himself a Kafir?

A. Yes.

Q. If this Hadis is applied to the Deobandis and those who denounce Deobandis as Kafirs, will not they themselves be Kafirs?

A. This Hadis, according to me, means that, if a person denounces people as Kafirs, who in fact are not Kafirs, himself becomes a Kafir.

R.O. & A.C.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

3rd September 1953.

Witness No. 18 (Called By Court)

Mufti Muhammad Idris, Jamia Ashrafia, Nila Gumband,

Lahore, on S.A:-

According to me, the followers of Mirza Ghulam Ahmad Sahib of Qadian are Kafirs. These Muslims, who adopt Ahmadiyat can rightly be called Murtadda and their proper punishment in our religion is death. Eventhose, who consider to Mirza Sahib as Mujaddas, are Kafirs. It is entirely untrue to suggest that on 14th October 1952 there was a meeting at which Mufti Muhammad Hasan, Maulana Abul Hasanat Muhammad Ahmad, Maulvi Abdul Qadir, Maulvi Daud Ghaznavi and myself were present and formulated a Fatwa printed at page 44 of the pamphlet "Majlis-i-Ahrar".

Q. Please give the definition of a Musalman?

(Note:-The witness has been explained that he is to give the irreducible minimum conditions which a person must satisfy to be entitled to be called a Muslim.)

A. The word "Musalman" is a Persian one. There is a distinction between the word "Musalman" which is an Arabic word for the word "Muslim" and the word "Momin". It is impossible for me to give a complete definition of the word "Momin". I would require pages and pages to describe what a Momin is. A person is a Muslim

who professes to be obedient to God (Allah). He should believe in the Unity of God, Prophethood of the Ambiya and in the Day of Judgment. A person, who does not believe in the Azan or in the Qurbani goes outside the pale of Islam. Similarly, there are a large number of other things which have been received by tawatir from our Prophet. In order to be a Muslim he must believe in all these things. It is almost impossible for me to give a complete list of such things.

Some of the sub-sects of Asna Ashris believe that the Qur'an consisted of 70,000 Aya of which only 6,666 have been preserved while the others have been lost.

R.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

3rd September 1953.

4th September 1953.

20th sitting.

. Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Hon'ble Mr. Justice M. R. Kayani,

Member.

Ch. Fazal Ilahi, Advocate, for the Punjab
Government.

Mr. Yaqub Ali Khan, Advocate, assisted by Malik
Abdul Aziz and Raja Said Akbar, Advocates, for
Mian Muntaz Muhammad Khan Daultana.

Ch. Asadullah Khan, Advocate, assisted by
Ch. Ghulam Murtaza, Malik Abdur Rahman Khadim
and Sheikh Nur Ahmad, Advocates, for Sadar
Anjuman Ahmadiya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-
Ahrar.

Mr. F.S. Suharawardy, Advocate, for Majlis-i-Amal.

Ch. Muhammad Hasan Cheema, Advocate, assisted by
Ch. Fateh Muhammad Aziz, for Ahmadiya
Anjuman-i-Isha'at-i-Islam.

Mr. Siraj-ud-Din Munir in person.

Ch. Nazir Ahmad Khan, Advocate, for Jamaat-i-
Islami.

Witness No. 19 (Called by Court.)

Khawaja Muhammad Safdar, President City Muslim

League, Sialkot, on solemn affirmation:-

During the disturbances I was the President of the
City Muslim League, Sialkot.

On 3rd March between 10 and 11 a.m. I was sitting
in the office of the City Muslim League. I received

information there that had been firing in the Rangpura Road. Hearing this I came out of the office, intending to go to Rangpura Road. I was, however, prevented by the police from proceeding in that direction. I returned to my office and telephoned the police asking them if there had been firing and what was the damage. I was informed that there had in fact been firing by the police but that the exact number of casualties was not known. Shortly afterwards I learnt that a crowd carrying the dead body of a person who had been shot in the firing was going towards my house. I attached no importance to this. I thought that the people feeling that they had been subjected to some harsh treatment were coming to me for redress. After this a man came to me and told me that the mob was coming to my office after having been to my house and that the mob was furious and shouting slogans against me. As I had done nothing wrong, I thought that if the crowd came to me I would be able to explain to them the position. Some more persons one after another came to me and advised me to go away from the office and to hide myself. They said that the mob intended to harm me. I told them that I was a national worker and that if I hid myself at that moment I would not be able to face the public subsequently.

The mob came near. At that time there were sitting with me Agha Zulficar Ali Khan and Muhammad Shafi, General Secretary, City Muslim League, Sialkot. They had the outer gate of the office shut. The mob came to the door and started breaking it. Even then the two friends who were sitting with me advised me to disappear. I said I would go, open the door and face the mob. Consequently I opened the door and went out. I saw that a dead body lay just outside the door. There was a huge crowd armed with sticks and other odd weapons and it had a menacing attitude. Outside the door I saw a distant cousin of mine standing. His name is Ch. Qudrat Ullah. He advised me to retreat to the office. I pushed him aside and faced the mob which numbered about two thousand. Some men out of this mob attacked me. Some slapped or fisted me while others beat me with sticks. Qudrat Ullah attempted to save me but he himself was badly beaten in return. There is a platform outside the office. I got on to it and attempted to address the mob but no one would listen. Some of the men were accusing me of having them fired upon while others were shouting to go to the hospital where more wounded men lay. I was pushed and driven by the crowd. In the crowd there were four or five men whom I knew before.

They were Ashraf, Allah Rakha and two or three other persons whose names I do not know but whom I knew by appearance. These men surrounded me and attempted to resist the onslaught on me. The crowd pushed me towards Chowk Allama Iqbal where there were two traffic constables. A part of the crowd rushed towards these constables. At this moment my friends advised me to escape by another bazar. They offered me a tonga for this purpose but I did not run away and began to walk. I had hardly gone fifty paces when the mob returned and surrounded me again. I again attempted to get on the platform in front of the Mirza Watch Company and to address the crowd but one of the men caught me by the collars and pulled me down. Some one then gave me two or three blows. One of the blows with a stick landed just below my nose and caused bleeding. I was wiping the blood when some one from behind blackened my face. I had previously noticed this man with his blackened hands. Then the crowd took me towards the Chowk. I once more attempted to address the crowd by ascending a platform near the petrol pump but in vain. There one man asked me to promise in writing that I would help the wounded. I agreed to do so most willingly. The man then produced a pocket book and I wrote the required promise. Then some 15/20 sympathizers who disliked violence

gathered round me. We stood there for about 15/20 minutes. The mob was shouting that I was responsible for the firing. At this time was heard the noise of some armoured cars coming. Hearing this the mob disappeared and I was left alone. Four armoured cars then arrived and I told the military officers what had happened to me and asked them to remove me. Among the officers was Lt. Col. Khushi Muhammad. On this the Colonel made me sit in his armoured car near him and took me with himself on his round. He then took me to the police station.

A. Is the story that you were made to ride a donkey incorrect?

A. Absolutely.

Q. In the mob did you see any office bearers or workers of the Muslim League?

A. No.

Q. Were any office bearers or workers of the Muslims League arrested during the disturbances in Sialkot?

A. Yes, some of them.

Q. What are their names?

A. Allama Muhammad Yaqub, Councillor of the City Muslim League, Abdur Rauf and Bashir Ahmad who are also councillors of the same league.

Q. Two professors of Sialkot are said to have taken part in the disturbances. Do you know anything about it?

A. Yes. One of them is Khalid Mahmud who is a professor at the Murray College and was probably a member of the local Majlis-i-Amal. He is a very good speaker and used to speak almost every public meeting that was held in connection with the Khatm-i-Nabuwat movement. The other professor who is supposed to have taken part in the disturbances is Abdul Latif, a professor at the same college, but I did not see him taking any apparent part in the movement.

Q. Was the conduct of the mob in your opinion unreasonable in the circumstances?

A. Most unreasonable.

Q. Do you have any political rivals?

A. There is Jinnah League as well as Awami League and Jamaat-i-Islami all of which are opposed to the Muslim League of which I am the President. It is quite possible that the rumour about my being responsible for the firing might have been spread by my rivals.

Qtn. by Ch. Yaqub Ali Khan for Mian Mumtaz Muhammad

Khan Daultana:-

I have been a worker of the Muslim League since long. In Sialkot the strongest party is that of Muslim League. Even now I am the undisputed leader of the Muslim League in Sialkot. On 1st March I returned from Lahore to Sialkot. By that time a huge crowd had left by train for

Lahore via Narowal. I was grieved to learn that the mob had attacked shops and also used violence to seize persons and caused damage to the Railway station building. I was also told that the train was being frequently stopped on its way and that the mob who was in the train would alight at the railway stations and loot the hawkers' goods. I consulted Agha Zulfikar Ali Khan the same evening at about 5 o'clock with a view to approaching the leaders who were responsible for the movement and to request them to appeal to the public to be peaceful. We first met Allama Muhammad Yaqub who is a councillor of the Muslim League and who was subsequently arrested in connection with the disturbances. I discussed the matter with him and asked him whether what had happened was right. I told him that since he was in the procession he knew things better. He admitted that all that I had heard had in fact occurred. I told him that he was an Alam-i-Din and an organiser of the movement and asked him whether what was happening was in his opinion right. He said he himself was worried about the conduct of the mob and that he had done his best to pacify it and to refrain from using violence. I suggested it to him that he should appeal to the mob from the platform to remain peaceful. He said that he would do so. Thereafter I went to Maulana Muhammad Ali Kandhalvi. He was the first

dictator of the movement in Sialkot. I found him in the mosque sitting with Allama Khalid Mahmud and two or three other Ulama. I asked the same thing of him and requested him to do his best to keep the mob peaceful. He said that what had happened was nauseating and that he did not like it. He also promised to appeal to the mob. I was satisfied on this. On the 2nd March a meeting was held by the Deputy Commissioner which was attended by several citizens. The Deputy Commissioner appealed for co-operation and stated that what had happened was disgraceful. I told the Deputy Commissioner that I had met Allama Muhammad Yaqub as well as Maulvi Muhammad Ali Kandhalvi and requested them to appeal to the mob to remain peaceful. The Deputy Commissioner said that if things were repeated, he would have to use force. In the evening there was a public meeting at which these Maulvis who had promised to me to appeal to the public to be peaceful made entirely contradictory speeches. They also said that I had been to them and requested them to restore calm but that they did not like the passions to subside and wanted to keep up the spirit of the mob. The crowd then shouted Mardabad against me and Agha Zulfiqar Ali. As far as I can see the feelings against me were excited by these two Maulvis during the night. The mood of the crowd was such that any appeal to them to be reasonable was useless.

Q. Did the Muslim League Sialkot take any step to resist the movement?

A. No resolution was passed, but most of us made our individual efforts to stop the movement.

To Courts:

Q. Did the Provincial Muslim League ever issue to its Branches any directions?

A. None, nor were any directions issued by the Central Muslim League.

Cross-examination by Mr. Yaqub Ali Khan (Continued):-

On 16th February Mian Muntaz Muhammad Khan Daultana, the Chief Minister, visited Sialkot and I asked him for instructions in the matter. He said that we were to remain neutral. There are 113 councillors of the City Muslim League.

To Court:-

Q. You say, you came to Lahore on 1st March, did you on that day meet the Chief Minister?

A. No.

Cross-examination by Ch. Fazal Ilahi, Advocate,
for the Punjab Government:-

The Chief Minister, when he visited Sialkot on 16th February, addressed the members of the District and City Muslim League. In that speech he made no

reference to the Khair-ul-Millat movement. On the same day, Khawaja Nazim-ud-Din, the Prime Minister of Pakistan and the President of the Central Muslim League, was to arrive at Lahore and it was publicly known that he would be received with black flags and a general strike. I asked Mr. Daultana whether he was aware of all that, and whether he had issued any directions in the matter. He said that his relations with the Majlis-i-Ahrar and the Majlis-i-Amal were not bad and that the representatives of these two parties had come to him a few days before and apprised him of the programme that they had made for the reception of Khawaja Nazim-ud-Din. He said that he had advised them to remain peaceful, not to come into clash with the Provincial Government and that beyond this they were free to do whatever they liked.

Q. Did he also say that if they caused no disturbances in the Province they could do whatever karwai they liked against the Centre?

A. No such thing was said by him.

Cross-examination by Ch. Asadullah Khan:-

Q. Do you know anything about Soofi Muhammad Sharif, who was a professor at the Murray College, Sialkot, then?

A. Yes.

Q. Was he an active participant in the agitation?

A. Yes.

Q. Was he subsequently arrested for this?

A. Yes.

Q. Which party did Soofi belong to?

A. During the elections to the Assembly he belonged to the Jinnah Awami League.

Further cross-examination by Ch. Yagub Ali Khan:

Q. Have you been selected as a Parliamentary Secretary by the present Government and deputed to represent Pakistan at U.N.O.?

A. Yes.

Q. Is Ch. Abdul Ghani, the Chief Parliamentary Secretary to the previous Government whose prosecution was ordered by that Government, your friend?

A. Yes.

Cross-examination by Mr. H.S. Suhrawardy:-

Q. When did you come to know that you have been selected to represent Pakistan at the U.N.O.?

A. On 27th August 1953 I received a telegram from the Chief Minister that I had been selected to represent Pakistan at the U.N.O.

I was not present at the meeting which was held on 2nd March 1963 in which slogans were raised against me. I did not myself hear the speeches of Maulana Muhammad Ali Kandhalvi and Maulvi Muhammad Yaqub.

Q. Was the mob on 3rd March accusing you of having been present at the time of firing?

A. They were saying that I myself had arranged the firing.

Q. Were you present at the firing which took place on the Bangpura Road?

A. No.

Q. Do you know that a Sub-Inspector had pulled the beard of Maulana Muhammad Yaqub?

A. After the release of the Maulana I asked him directly whether the allegation that a Sub-Inspector had pulled his beard was true and he replied that all that was without any foundation.

The arrests in Sialkot took place on the night of 2nd/3rd March and on that night Maulana Muhammad Ali Kandhalvi was arrested.

Q. Was Maulana Muhammad Ali Kandhalvi subsequently released?

A. Yes.

Q. Do you know that he had been collecting evidence for the Court of Inquiry?

A. No.

Q. Has Maulana Muhammad Ali Kandhalvi been arrested again?

A. Yes.

Q. Do you know that Maulana Muhammad Ali Kandhalvi and two other persons have been arrested because they were collecting evidence for this Court?

A. I have heard that Maulana Muhammad Ali and one of the other two persons had made some objectionable speeches.

Q. Do you know that the public of Sialkot is too terrified to come and give evidence before this Court?

A. No.

Cross-examination by Ch. Nazir Ahmad Khan:-

Q. Was there any firing before 3rd March Sialkot?

A. No.

Q. Did the Muslim League of Sialkot apprise the public of its own attitude towards the movement?

A. No, except that in reply to a demand published in a poster the resolution of the Provincial Muslim League of 26th July was published in one of the local newspapers.

Q. Did any objectionable incident take place before the 3rd March, except the incident that you have mentioned

as as having occurred on 1st March?

A. Not to my knowledge.

Q. Was it, to your knowledge, alleged that the firing of 3rd March was without any warning?

A. There were several contradictory rumours about it.

Q. Do you know that volunteers were thrown down from the walls of the Fort and that beards of respectable Ulema were pulled?

A. Yes.

To Court:-

Q. Did any one claim to have seen either of these incidents?

A. No.

Cross-examination by Ch. Nazir Ahmad Khan (continued):-

Q. Did Maulvi Habib Ahmad tell you that he had been told by Mr. Daultana that he would finance the Khatm-i-Nabuwat movement?

A. No.

Q. Did the Provincial Government, to your knowledge, define its policy regarding the Khatm-i-Nabuwat movement?

A. No.

Sd/- M. Munir.
President.

R.O. & A.C.

Sd/- M. R. Kayani.
Member.

4th September 1953.

Witness No. 20 (Called by Court)

Hafiz Kifayat Husain, Idara-e-Haqq-i-Tahaffuz-i-Shian, on S.A: -

Q. Were you a member of the Provincial Majlis-i-Amal?

A. Yes..

The demand in the resolution by the Majlis-i-Amal that the Ahmadis should be declared a minority had my personal support, but I was indifferent to the other two demands, namely, that Ch. Muhammad Zafarullah Khan should be removed from the office of the Foreign Minister and that the Ahmadis, who occupied key-posts in the Government, should be removed from their jobs. The first demand was a religious demand, while the other two were political demands.

Q. In your opinion is the present Government of Pakistan a secular Government or an Islamic Government?

A. I would call it a Government of Musalmans.

I do not consider the present Government of Pakistan to be a Government run entirely on religious principles. The demand for Pakistan was based on religious grounds. Because I consider the present Pakistan Government to be a Government of Musalmans, I think it right to support a demand which is based on religion.

Q. What about the resolution relating to "Direct Action" (Rast Aqdam)?

A. It did not have my support. In fact I am grieved over what actually happened in pursuance of it.

Q. Do you claim the right of preaching politics from mosques?

A. I consider it to be wholly wrong.

From my point of view the demand for the declaration of the Ahmadis as a minority had a religious aspect; it might also be described as a political demand. I supported this demand only to the extent that it had a religious aspect.

Q. Do you consider it right that such religious matters should be placed for decision before Government?

A. There is nothing wrong about it.

I am strongly in favour of an Islamic State in Pakistan.

Q. Is there any precedent for an Islamic State of the type that you demand?

A. The precedent for such a Government is the Government in the time of our Holy Prophet.

Q. What about the forms of Government in the times of Hazrat Abu Bakr, Hazrat Umar and Hazrat Usman?

A. We do not approve of some of the laws that were passed

during the period mentioned; otherwise the form of Government that we demand is the same as in that period.

Q: Does the form of Government that you require now exist in any Muslim country?

A. Not so far as I am aware.

Q. Will the Islamic Government that you claim, be based on the Quran and the Sunnah?

A. Yes.

Q. Do the Shias and the Sunnis differ as to Sunnah on any fundamentals?

A. There is no difference between the Shias and Sunnis in regard to the fundamentals of the Sunnah. Of course, there are difference in Farooq'at.

A person is entitled to be called a Musalman if he believes in (1) Tauheed, (2) Nabuwwat and (3) Qiyamat. These are the three fundamental beliefs which a person must profess to be called a Musalman. In regard to these three basic doctrines there is no difference between the Shias and the Sunnis. Besides the belief in these three doctrines, there are other things called "Zarooriyat-i-Deen" which a person must comply with in order to be entitled to be called a Musalman. These will require for me two days to define and enumerate. But as an illustration I might state that the respect for the Holy Book, Wajooab-i-Nimaz, Wajooab-i-Roza, Wajooab-i-Hajj-ma'a-Shariat, and other things too numerous to mention, are among the "Zarooriyat-i-Deen".

Q. What will be the position of the Kuffar, as for instance of persons who do not believe in the Rasalat of our Holy

Prophet, in the Islamic State of your conception?

A. They will be entitled to all rights which are not inconsistant with the Shari'at.

Q. Will they be entitled to be members of the legislature?

A. Yes, but they will not have the same rights as the Muslim members of the legislature.

The Kuffar will also be entitled to become judges, but it will be necessary to engure that their decisions are according to Muslim law. The position of the Kuffar will be that of Zimmis.

Q. What is the difference between Rafzia and Asna-Ashris?

A. So far as the Sunnis are concerned, they use these two terms interchangeably.

Q. Is a person who does not believe in the twelve Shia Imams a Kafir?

A. No.

Q. Does the Ayat-i-Istakhlaf include reference to Hazrat Abu Bakr and Hazrat Umar?

A. No.

Q. Have you heard the name of Ahmad Reza Khan Bareillyi?

A. Yes.

Q. Are you aware that he has given a Fatwa which amounts to saying that Asna-Ashris are Kafirs?

A. No.

Q. Does any sect of the Shias believe that Wahi is to continue even after the death of our Holy Prophet?

A. The Wahi that used to devolve on the Prophet ceased with our Holy Prophet. Pious persons in the Ummat, however, will be recipients of what is called Ilham.

Cross-examination:- Nil.

R.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

4th September 1953.

Witness No. 21 (Called by Court)

Maulana Ata Ullah Shah Bokhari, on S.A:-

I have been a member of the Majlis-i-Ahrar. I joined the movement in 1930.

Q. What was the attitude of the Ahrar towards the establishment of Pakistan?

A. The Ahrar as a party were in favour of the establishment of Pakistan.

Q. Did any Ahrar leader describe the Quaid-i-Azam who was striving for the establishment of Pakistan, as Kafir-i-Azam?

A. I have heard that Maulvi Mazhar Ali Azhar did use these words in respect of the Quaid-i-Azam.

Q. Was Pakistan, after its establishment, described as Palidistan by any Ahrar leader?

A. No.

Q. Was this word used about Pakistan before its establishment by any Ahrar leader?

A. I do not know.

Q. In the "Bebak" of Sargodha dated 1st April 1952 an Ahrar Speaker is reported as having said:-

"True, Choudhri Afzal Haq had called Pakistan Palidistan. I repeat that he had only said what was true and you presently will also say that it is Palidistan. Tell me whether a country in which the poor starve, the condition of the labourers is miserable, bribery is rampant and no attention is paid to the complaint of anybody, is Pakistan or Palidistan?"

Do you know anything about it?

A. No.

It is absolutely wrong to suggest that I ever used the words Kafir-i-Azam in respect of the Quaid-i-Azam or stated that if Pakistan came into existence, I would have my beard and moustache shaved with urine. In fact in one of my addresses after the Jumma prayers in Jamia Masjid Delhi I had said in a most beseeching manner that I wanted an interview with the Quaid-i-Azam to place my viewpoint before him.

Q. Do you also support the demand for the establishment of an Islamic State in Pakistan?

A. Yes.

Q. What position will you give to the Kaffar in that State?

A. The question has reference to constitution making and on this subject there is a resolution by 36 Ulama of Pakistan.

Q. Do you know if anything is said in that resolution about the position of non-Muslims in Pakistan?

A. As far as I recollect the contents of that resolution, it stated that the non-Muslims will have seats in the legislature and will also have some rights.

Q. In your opinion is a Mussalman bound to obey the orders of a Kafir Government?

A. It is not possible that a Mussalman should be a faithful citizen of a non-Muslim Government.

Q. What is the total population of Mussalmans in the world?

A. They are about 70 crores.

Q. How many of this 70 crores will be under the Islamic Government?

A. About six crores. They will all be in Pakistan.

Q. What about the remaining 64 crores?

A. They should think out their own destiny.

Q. Are you aware that after the crusades there were some constitutions in Europe in which a Mussalman was declared ineligible by law for citizenship because of the views you are now expressing before this Court?

A. I did not know it before but since the Court says so, it must be a fact.

If other non-Muslim Governments establish their own states on the basis of religion, I shall be glad over it.

Q. Even though the result of this may be for the Muslims to lose rights of full citizenship?

A. Of course.

A Zimmi in an Islamic regime is entitled to well-defined rights but I cannot describe them in the absence of a book. They will be entitled to protection by the State. It will be for the head of the State or for the Majlis-i-Shura to give them any office they like.

Q. How many crores of Muslims are there in India?

A. Four crores.

Q. Have you any objection to the law of Mannu being applied to them according to which they will have no

civil right and will be treated as Mallikes and
Shudaras?

A. I am in Pakistan and I cannot advise them.

Q. Will it be possible for these four crore Mussalmans
to be faithful citizens of their State?

A. No.

Q. What is their obligation in case of war between India
and Pakistan? Will they fight against Pakistan forces?

A. They should themselves find out what their duty would be.

Q. What sort of future Government for this country would
you yourself suggest?

A. I do not wish to express my own opinion about it.
The question is for the Ulama to answer. Again said as
far as my personal opinion is concerned, I would have a
Government based on the principles of Islam and so long
as it is consistent with those principles, I do not mind
if the rules relating to details are not quite
consistent with those of the law of a purely Islamic
State.

Q. Are in your opinion Ahmadis Kafirs?

A. Most certainly.

Q. On the establishment of an Islamic form of Government
in Pakistan, what will be the treatment meted out to

these Kafirs?

A. They will have their own representation in the legislature as non-Muslim.

Q. Will they have the right to preach their religion?

A. I can offer no opinion on this. It is a matter for the constituent body of Pakistan.

Q. Is the use of mosques, in your opinion, for political activities justified?

A. I do not separate religion from politics.

R.O & A.C.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

4th September, 1953.

5th September 1953.

21st sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Hon'ble Mr. Justice M. R. Kayani,

Member.

Ch. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, assisted by Malik Abdul

Aziz and Raja Said Akbar, Advocates, for Mian

Mumtaz Muhammad Khan Daultana.

Ch. Asadullah Khan, Advocate, assisted by Ch. Ghulam

Murtaza, Malik Abdur Rahman Khadim and Sheikh

Nur Ahmad, Advocates, for Sadar Anjuman Ahmadiya, Rawah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. H.S. Suhrawardy, Advocate, for Majlis-i-Amal.

Ch. Muhammad Hasan Cheema, Advocate, assisted by

Ch. Fatch Muhammad Aziz, for Ahmadiya Anjuman-i-

Isha'at-i-Islam.

Mr. Siraj-ud-Din Munir in person.

Ch. Nazir Ahmad Khan, Advocate, for Jamaat-i-Islami.

Witness No. 22 (Called by Court)

Statement of Maulana Daud Ghaznavi, M.L.A., Member,

Majlis-i-Amal, Punjab, Lahore, on S.A:-

Q. Were you a member of the Punjab Majlis-i-Amal?

A. Yes.

Q. Did the Majlis-i-Amal, Punjab, have anything to do with the "Direct Action"?

A. The Punjab Majlis-i-Amal approved of the resolution passed by the Central Majlis-i-Amal.

Q. Were the demands regarding Ahmadis religious or political or both?

A. All the three demands were essentially religious demands.

Q. Do you consider it right to obtain on a religious matter a decision from Government?

A. We consider such demands legitimate, because the powers that he had been repeatedly proclaiming that the system of Government to be established in the country would be based on Islamic principles and had passed the Objectives Resolution to the effect that the future legal system of the country would be based on the Qur'an and the Sunnah.

Q. What is "Direct Action"?

A. The word used in the resolution was not "Direct Action", but "Rast Aqdam". This "Rast Aqdam" was defined in the resolution itself, namely, that batches of five volunteers each were to display placards bearing on them the three demands and go to the houses of the Prime Minister and the Governor-General of Pakistan by indirect routes, avoiding as far as possible, crowded places. There was also a general appeal issued to the public not to march with the batches of volunteers.

Q. What was your intention in case the public did accompany the batches of peaceful placard-bearers, notwithstanding your instructions on the point?

A. We would have thought of it if actually any such position arose. It is quite possible that in that state of affairs we might have discontinued sending the volunteers. Before any batch of volunteers left, the leaders of the movement were arrested.

Q. The arrests in Lahore took place on or about the 27th of February. Were not any processions taken out; were not any meetings convened thereafter in any part of Lahore?

A. The responsibility for what was done at those meetings or processions rests with the police and Government. There were no leaders left at the time.

Q. Was not Maulana Akhtar Ali one of the leaders?

A. He was. He was also a member of the Central Direct Action Committee.

Q. Was Maulana Abul Ala Maudoodi a member of the Central Majlis-i-Amal?

A. He was.

Q. Was he one of the leaders on whom you could rely for pacifying people?

A. Yes.

Q. Had he been imprisoned before the date of the aforesaid meetings?

A. No.

Q. If in Pakistan there had been purely an Islamic Government, what would have been the position of the Ahmadis?

A. We would have taken the same attitude as the Ulama of the All Pakistan Muslim Parties Convention held in Karachi did.

Q. Are you also a claimant for the establishment of a purely Islamic Government in Pakistan in the existing conditions?

A. Most certainly.

Q. Is there any precedent in the Muslim History of the kind of purely Islamic Government that you claim?

A. That kind of Islamic Government is in force even now, namely, in Saudi Arabia and the Hedjaz. The kind of Islamic Government that we demand was in vogue during the time of Khulafa-i-Rashidin, in the time of Umar Ibn-i-Abdul Aziz, during the time of Salah-ud-Din Ayyubi in Damascus and Sultan Mahmud Ghaznavi, Muhammad Tughlaq, Aurangzeb Alamgir etc.

Q. What about Tamerlane's Government, who just when the Turks were knocking at the gate of Vienna captured the Sultan who had sent Muslim armies to conquer Europe?

A. That Government cannot be called an Islamic Government.

Q. Have you ever heard of the institutes of Timur?

A. No.

If a research is made, many more periods will be traced in Islamic history where Islamic form of Government had been in vogue.

Q. Do you call an Islamic form of Government a democracy?

A. Modern democracy is different from the Shurai Government of Islam.

Q. What are the fundamental differences between the two?

A. In modern democracy the final power of legislation rests with the people. In Islamic democracy, the power of legislation rests (1) with God, (2) with the Prophet himself and (3) with the Prophet's successors who adopt the Prophet's doings or sayings as binding on them.

Q. What is Shirk?

A. Attribution of the Divinely attributes or qualities to a human being, alive or dead.

Q. If a man, for attaining a worldly good or spiritual benefit, goes to the tomb of a saint and invokes his aid, will you call such a man a Mushrik?

A. Such a man will not be a Mushrik.

Q. A man goes to the tomb of Hazrat Abdul Qadir Gilani and says "Ya Sayyed Abdul Qadir Shae-an-Lillah". Would you call that man a Mushrik?

A. I will not call such a man a Mushrik, unless I know his intention.

Q. What was the principle in Islamic Law propounded by Ibn-i-Taimiya?

A. He was against all innovations and appealed people to return to the pristine form of Islam.

Q. And what about Abdul Wahhab; what doctrines did he emphasize upon?

A. Abdul Wahhab was neither a reformer nor a religious leader.

Q. Who are Wahhabis?

A. They are followers of Muhammad Ibn-i-Abdul Wahhab.

His followers did not call themselves as Wahhabis.

"Wahhabi" is a contemptuous term in the same way as is the term Rafizi for the Shias.

Q. Are Ahl-i-Hadis the same as the Wahhabis?

A. They are different. Wahhabis are the followers of Ahmad Ibn-i-Hambal, the fourth jurist, while the Ahl-i-Hadis follow all the four jurists.

Q. Do you know if there is any Fatwa by any religious Divine that persons who go to the tomb of Sayyed Abdul Qadir Gilani and pray that the saint should give something to them (Ya Sayyed Abdul Qadir Shain-Lillah) are Mushriks?

A. I do not know.

Q. Was a meeting of the Central Majlis-i-Amal held on the night of 18th January 1953?

A. I was ill. I did not attend the meeting, though I know that a meeting did take place.
I have heard that in that meeting a deputation was appointed to wait on Khawaja Nazim-ud-Din,

the then Prime Minister, and to present to him for acceptance the demands formulated by the Majlis-i-Amal.

Q. Do you agree with the opinion: "Those Mirzais who regard Mirza Ghulam Ahmad of Qadian as a Prophet or a reformer (Mujaddad or Imam) are Murtadd, and a Murtadd is liable to be killed according to the Islamic Shara'a. That Government which does not put into effect this order of the Islamic Shara'a becomes Ghali. If such a Government persists in failing to carry out the order of the Islamic Shara'a there would be justification for boycotting it?"

A. I do not agree with this view and I never expressed this opinion.

Q. Do you agree with the Fatwa of Maulana Shabbir Ahmad Usmani about the Ahmadis?

A. An Ibn-i-Murtadd is not himself a Murtadd. But if a person voluntarily goes over to the Ahmadiya creed, he would be a Murtadd and thus

under Shara'a liable to the capital sentence. This rule; however, has an important qualification and that is this that if the number of Murtadds of a particular class increases appreciably so that the putting to death of this class is not in the interest of the State, the capital sentence need not be executed and they will be treated like other Zimmis.

Q. What about the persons who accept the Lahori form of Ahmadiaism?

A. They are neither Muslims nor Qadiani Ahmadis.

Q. You were not arrested in connection with the disturbances. What did you yourself do to stop the disturbances?

A. I was lying ill with high blood pressure and a sinking heart.

Q. Was the Institution of Khilafat religious?

A. Yes.

Q. Is khalifat a necessary part of the Islamic form of Government.

A. No. Only it is the best form of Islamic Government.

Q.

You, therefore, consider that the Government of Abbaside Caliphs in Baghdad was the best form of Government?

A. No. That was not the right form of Khilafat. In that form of Government Khilafat had been converted into Malukiyyat.

R.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

5th September 1953.

Witness No. 22 (Re-called by the Jama'at-i-Islami):

Maulana Daud Ghaznavi on solemn affirmation:-

I joined the Majlis-i-Tahaffuz-i-Khatm-i-Nabuwwat as representing the Ahl-i-Hadith view. I was also present at the Convention that was held in Karachi from 16th to 18th January 1953. In those very days about 33 Ulema of various schools had collected in Karachi to consider the report of the Basic Principles Committee. The Convention had appointed a Subjects Committee of which I was a member. Maulana Maudoodi was also a member of that Committee. Maulana Maudoodi moved a resolution before the Subjects Committee that since the Committee of Ulema had included Ahmadis in the schedule of minorities to their proposed amendments to the Basic Principles Committee's report, it was not necessary for the Convention to pursue that matter any further. This resolution was carried through by majority. On 18th January at about 10 o'clock was held an open session of the Convention. The resolution which had been passed by the subjects Committee was placed for consideration before the Convention by Maulana Maudoodi. The resolution, however, was

defeated by a majority of votes, the general opinion of the convention being that because the Majlis-i-Amal had been brought into existence for the specific purpose of pressing the demands, it should continue its own efforts despite the fact that one of the matters had been undertaken by the Committee of the Ulama. Thereupon Maulana Maudoodi moved a resolution for the constitution of a Central Majlis-i-Amal whose duty it should be to carry on the movement. This proposal was adopted by the Convention and a Committee of Action consisting of 15 members was appointed of which 8 were chosen on the spot and the remaining 7 were to be co-opted by the 8 members already chosen. I do not know whether any meeting of the Majlis-i-Amal was held on the evening of the 18th January because I lay ill with blood pressure and did not attend any further meeting in Karachi. I have, however, heard that a meeting of the elected members of the Majlis-i-Amal was held in the evening and the remaining seven members were co-opted. I also heard that only five or six out of the eight members actually joined the evening meeting. Up to the morning of 18th January no decision was

taken to send any deputation to the Prime Minister for the presentation of any notice. I stayed in Karachi for two or three days after the 18th. I have no personal knowledge but I heard that some of the original and co-opted members met in a meeting and decided upon sending a deputation to the Prime Minister.

I returned to Lahore on the 21st or 22nd January. As far as I know, the Central Government did not make any announcement in regard to the demands up to the declaration of martial Law in Lahore. I am a member of the Punjab Legislative Assembly. I am an independent member. I do not know whether the Provincial Muslim League considered the question of Tahaffuz-i-Khatm-i-Nabuwat in order to formulate its policy in the matter. On my return from Karachi I lay ill for two months.

To Mr. Fazal Ilahi on behalf of the Punjab Government:-

I appeared as a defence witness for Maulana Maudoodi before a Special Military Court. A Military Officer during the Martial Law days had also questioned me on certain matters and taken down some notes.

Q. Did you state to that Military Officer that the movement had the support of the Chief Minister of the Punjab and his Government?

A. No.

Q. Were you also questioned by a police officer in June 1953?

A. Yes. A police officer had come to my house and put me some questions.

Q. Is it a fact that Ibrahim Ali Chishti attempted to induce you to share in the funds of the Department of Islamiyat?

A. Yes. What happened was that Ibrahim Ali Chishti telephoned to me several times to say that if I could deliver some lectures, as others were doing on a payment of Rs. 75/- per lecture, the department would be willing to pay me Rs. 100/- per lecture. I also frankly told Chishti that he was misusing the funds of the Department of Islamiyat. It was for this reason that as a member of the Legislative Assembly I moved a cut motion in respect of that department.

I had a friendly discussion with Mr. Daultana

the Chief Minister, about the activities of the Department of Islamiat. I told him that the object of the department was to publish Arabic books but that the members who were appointed to the board were not capable of discharging that duty. I gave him a list of various scholars who, in my opinion, were competent to undertake the task that had been entrusted to the board of the Department of Islamiat. The Chief Minister agreed with me and asked me to meet Mir Nur Ahmad, Director of Public Relations. Accordingly I saw him in this connection several times but all my efforts proved abortive; because he would not agree with my proposals. In my conversation with Mr. Daultana, I had suggested it to him that if the intention was to favour some members of the board, there were so many ways of doing it but that the funds should not be misused in the name of Islamiat.

Q. Did you state the following to the police

officer who questioned you:-

✓ یہاں پہ کانفرنس ہوئی۔ دیکھا گیا کہ اب مواد پک گیا ہے۔ اور صوبہ کے اندر اب مادی تیار ہو گیا ہے۔ کسی وقت ہی چھٹ سکتا ہے۔ اب دہلی میں صاحب نے ان لوگوں کو کہا کہ اب وہاں کمر ہے سو چار سو تیس لگا دو۔ ملاقات مان لئے جا رہے تھے +

A. I never made any statement in these terms and what has been read out to me is absolutely incorrect. The police officer did not at all question me on this point.

To Court:-

Q. Did you see that police officer record this statement Ex.D.E./86?

A. As I have stated he was taking down some notes but was not writing the statement which is now being shown to me. Even the notes were being taken not by that police officer but by a subordinate officer.

Cross-examination by Mr. Fazal Ilahi (continued):-

Maulana Akhtar Ali Khan several times said at the Majlis-i-Amal that he would obtain monetary help for the movement from several persons, including the Chief Minister of Bahawalpur and Mr. Daultana. He was very sanguine of his obtaining money from the Chief Minister, but he was somewhat sceptic about Mr. Daultana.

To Court:-

Q. Were you ever a member of the Congress?

A. I was the President of the Provincial Congress

Committee in 1945.

Cross-examination (continued):-

Q. Did you use the term "Civil Nafarmani", while making a statement to the police officer?

A. Yes, I used the term while stating that it was extremely difficult to organise a civil disobedience movement.

Q. Is it correct that you told the police officer that, if the leaders were arrested, the excited people would not be controlled in the absence of these leaders, for making any civil disobedience movement successful?

A. No. I never said anything like this.

After 18th January, 1953, I did not attend any meeting of the Majlis-i-Amal. As I have said, I lay seriously ill. Nor did I have any talk with any one about the Rast Iqdam movement. I did not make any statement to the contrary to any police officer.

One Master Taj-ud-Din Ansari and Maulana Abul Hasnat came to my house to inquire about my health. This was in the month of February before they left for Karachi. They told me that they had arranged a programme of sending volunteers to Karachi, thinking

that that plan would be effective. They explained that any movement directed against Rabwah would easily lead to disorder and that, therefore, in order to avoid disorder, it was more expedient to send the volunteers to Karachi.

Q. Did you state to the police officer the following:-

میں نے ان کو کہا کہ آپ اس تحریک کو وزیراعظم کے لئے ہرجملہ
رہے ہیں گو یا چاندی کی چابی آجیو لگی ہوئی ہے +

A. I never made any such statement. In fact, I heard the expression "Chandi ki chabi" for the first time now.

Sahibzada Faiz-ul-Hasan also once came to my house to inquire about my health. I had with him conversation in the same strain as with Master Taj-ud-Din and Maulana Abul Hasanat. He also gave me the same reply as Maulana Abul Hasanat and Master Taj-ud-Din had previously done

Exhibit D.B./87 is the statement that I made to a Military Officer. It is signed by me. The statement by me was made in Urdu, but he prepared its record in English. That record was never read out to me.

To Court:-

I am fairly literate in English. I can easily understand it.

Cross-examination (continued):-

Did you make the following statement to the Military Officer:-

"In the beginning of February 1953, a few leaders including M. Abul Hasrat, M. Taj-ud-Din Ansari came to see me at my residence, as I was ill. During the conversation they disclosed that they intend to start the movement in Karachi. I told them, that in view of the fact that Lahore is the Centre of "Qadyaniat", majority of Qadyanis are here, Rabwah their Headquarters is in Punjab, why the movement should be started in Karachi where there are less chances of its progressing. To this they replied that they cannot start the movement/Direct Action etc in Lahore unless they consult the C.M., Mr. Mumtaz Daultana. On such a reply I could not say anything further but kept quiet. These views were

later supported by Maulana Akhtar Ali Khan during the meetings of Majlis-i-Amal at a subsequent stage."

- A. No. Maulana Abul Hasanat or Master Taj-ud-Din Ansari did not tell me that they could not decide upon starting the movement in the Punjab, unless they had consulted the Chief Minister.

I am not sure, but it may be that I had some talk with Maulana Akhtar Ali Khan on this subject. But I do not at all recollect whether Maulana Akhtar Ali Khan also told me that the movement in the Punjab could not be started without reference to the Chief Minister.

Q. Did at any meeting of the Majlis-i-Amal Maulana Akhtar Ali Khan say that if the Direct Action Movement was started, no one would be arrested in the Punjab?

A. Yes, he said something like this but not the precise thing you ascribe to him. What he said was that he expected that there would be no arrests in the Punjab, but he made no reference whatsoever to the Chief Minister.

To Court:

Q. Did you receive the impression that the Maulana was speaking on instructions?

A. No, it may well be that he was bragging. I did not believe what he said. I could never expect the Punjab Government to be indifferent when volunteers were leaving from that Province for Karachi.

To Counsel, contd.-

Q. Did you read these words in the statement Ex. D.B./87: "The statement is read by me and is correct", when you put your signature to it?

A. No.

Mr. Daultana agreed with the correctness of our demands and so did several other Muslim Leaguers.

To Court:

Q. When you say that Mr. Daultana agreed with the correctness of the demands, do you say so from your personal knowledge or do you merely express your opinion? Did you have any talk with him on this subject before 6th March 1953?

A. These demands were mentioned to him incidentally by the deputation that waited on him in August 1952, and he had then said that the Ahmadis had created the present position themselves, that the demands related to the Central sphere, that he held the same belief on Khata-i-Nabuwat as the other Muslims did, and that he considered persons who did not believe our Holy Prophet to be the last of the Prophets, to be outside the pale of Islam. Therefore, when I said that Mr. Daultana agreed with the demands, I was merely conveying my impression which I got from the aforesaid words.

To Counsel, contd.-

Q. Do you think that many Muslim Leaguers joined

the movement because of the policy of

Mr. Daultana?

- A. The resolution of the Punjab Provincial Muslim League was so worded as to encourage the Muslim Leaguers to join the Tahaffuz-i-Khatm-i-Nabuwwat Movement.

Maulana Akhtar Ali Khan took a leading part in the movement because of his connections with not only the Chief Minister but also the Prime Minister.

- Q. But was not the movement directed against the Prime Minister?

- A. No. It was directed solely against the Ahmadis.

- Q. Did you not state in para 6 of your statement Ex.D.B./87 that Maulana Akhtar Ali Khan took a prominent part in the agitation because he relied on the support of Mr. Daultana?

- A. Possibly the writer of the statement left out the mention of the Prime Minister.

- Q. During this inquiry have you not, in your cross-examination of witnesses and otherwise, adopted an attitude which suits the case of the Chief Minister?

- A. Definitely not. How do you say that?

To Mr. Asdur Rahman Khadim on behalf of Sadq

Anjuman-i-Ahmadliyya Rabwah:-

Q. Do you belong to Ghazni?

A. My grandfather came from Ghazni to India and settled in Amritsar. My grandfather Maulana Muhammad Abdullah was also an Ahl-i-Hadith.

Q. Who is the writer of the book entitled "Sawanehumari Maulvi Abdullah Ghaznavi"?

A. This book is the joint production of three persons. The first 24 pages were written by my father, pages 25 to 44 by Maulvi Ghulam Rasul and the rest of the book is a collection of the letters of my grandfather.

Q. Is it a fact that the Ulema of Kabul gave a Fatwa to the effect that your grandfather was a "kafir" and "murtadd" because of his being an Ahl-i-Hadith?

A. No. He was not held to be a "kafir" on this ground. The precise reasons for the fatwa are stated at page 10, namely, that he denied the prophethood of our Holy Prophet as well as

of the doctrine of shafa'at and that he claimed himself to be a prophet. These grounds were held by the Amir to have been supported by evidence that was false but he was banished from the country on grounds of expediency. This incident occurred in the time of Amir Dost Muhammad.

To Court:-

Q. Do you think that that fatwa was correct?

A. It was absolutely wrong.

XXn. by Mr. Abdur Rahman Khadim continued:-

I have also been a member of the Ahrar. I remained a member of that organization for ten years from 1930 to 1940.

Q. How long were you a member of the Congress?

A. From 1940 to 1945.

Q. What is your opinion about Shah Wali Ullah, Hujaddad Alif Sani, Ismail Shahid, Hazrat Mulla Ali Qadri and Sheikh Abdul Haq Delhvi?

A. They were all prominent Ulama.

15th October 1953.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

Adjourned till Monday, the 19th October, 1953,
when the cross-examination of Maulana Daud Ghaznavi
will be resumed.

sd/- M. Munir.

President.

15th October 1953.

sd/- M. H. Kayani.
Member.

19th October 1953.

37th sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President.

Hon'ble Mr. Justice M.R. Kayani, Member.

Namp for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, for
Mr. Daultana.

Messrs. Abdur Rahman Khadim and Ghulam
Murtaza Khan, Advocates, for Sadr
Anjuman-i-Ahmadiya Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-
Ahrar.

Maulana Daud Ghaznavi, Member, Majlis-i-Amal,
in person.

Mr. Fateh Muhammad Aziz, Advocate, for
Ahmadiya Anjuman-i-Isha'at-i-Islam.

Mr. Arshad Ahmad Member Jama'at-i-Islami.

Maulana Daud Ghaznavi. Witness No. 22. contd.

on S.A -

Cross-examination by Mr. Yaqub Ali Khan,

Advocate, on behalf of Mr. Daultana:

Q. What was the general attitude of the Muslims regarding the doctrine of Khatm-i-Nabuwwat and the movement relating to Tahaffuz-i-Khatm-i-Nabuwwat from May 1952 to the end of February 1953?

A. Muslims have always been agreed on the doctrine of Khatm-i-Nabuwwat. As regards the movement of Tahaffuz-i-Khatm-i-Nabuwwat, the Muslims thought that its ultimate success or failure would decide the preservation or otherwise of their religion.

Q. Did you see the proceedings of the Council of the Punjab Provincial Muslim League held on 26th July 1952?

A. Yes. I read these proceedings in several papers which I have still preserved. The impression created on my mind on a perusal of these proceedings was that the Muslim League appeared to be inclined to accept the demands as correct.

Before we met the Prime Minister in August, 1952, the Majlis-i-Amal had decided to send one

deputation to the Prime Minister and another to the Chief Minister of the Punjab. Our interview with the Chief Minister was in pursuance of this resolution of the Majlis. The Chief Minister did say that he agreed with the view of the general body of Muslims on the doctrine of Khatm-i-Nabuwat. But he said that the demands raised certain constitutional issues which were within the sphere of the Centre and he himself could not do anything in that matter. It is not true that the Chief Minister said that he agreed with the correctness of the three demands in respect of the Ahmadis. I never met the Chief Minister in this connection after my interview with him in August.

When Maulana Akhtar Ali Khan said that he would collect some money for the movement from the and the Chief Minister of the Punjab, Chief Minister of Bahawalpur / I thought that he was over-optimistic. Actually no money was received by the Majlis-i-Amal from these two Ministers.

The Majlis-i-Amal took no decision to celebrate Tahaffuz-i-Khatm-i-Nabuwat week in November 1952; nor was any such week observed. The proclamation in the "Zamindar" of 6th November 1952 relating to

the proposed celebration of such a week did come to my notice in those days. I made an inquiry over the telephone from the office of the "Zamindar" about this and it issued a correction in its issue of 7th November, Ex.D.E./39. I was not satisfied with this correction and again inquired from the office of the "Zamindar", and on the following day was issued the contradiction Ex.D.E./23.

To Court:

Q. Was it after the "Civil & Military Gazette" had said something about it?

A. I do not know.

To counsel continued:-

I know Maulana Abul

Hasnat, Maulana Ghulam Murshad, Maulana Ghulam Muhammad Tarannum, Maulana Muhammad Bakht Muslim and Mufti Muhammad Hasan. Some of them are Ulama of a high order. Mufti Muhammad Hasan never took any part in the deliberations of the Board of Islamiyat. Even if these Ulama had not been paid any money by the Department of Islamiyat, my own view is that they would still have taken part in the movement. When I said that the money of the Department of Islamiyat was being misused, I meant that this money was meant to be spent on the publication of rare Arabic books and not to be distributed among the lecturers.

My statement by the Military Officer was taken some time near the end of April or the beginning of May 1963. This was in the Jinnah Garden. The Military Officer who questioned me did not adopt any threatening attitude but throughout he was putting the questions about Mr. Daultana. I got the impression that the officer was anxious to obtain

from me something incriminating against Mr. Daultana.

It was intensely hot when I made my statement and

before I made this statement I was required to

wait for four hours, this is, from 7 to 11 A.M.

I was not fit and was suffering from palpitation

of the heart.

Whatever the surroundings might have been,

the statement that I actually made to the Military

Officer was, to my recollection, absolutely true .

It may, however, be that my statement was not

correctly recorded by the officer. I was so much

tired in mind and body that I wanted the questioning

to be over as early as possible. I did not, ✓

therefore, read the statement before I signed it.

If the atmosphere had been as I find it in this ✓

Court, I would not have signed the statement unless

I had read it and found it to have been correctly

recorded.

To Mr. Mazhar Ali Azhar on behalf of the

Majlis-i-Ahrar:-

When the convention was held in Lahore on

13th July, Sh. Hissam-ud-Din, Sahibzada Faiz-ul-
Hasan and Master Taj-ud-Din, were not present. They
had been arrested for their having made some speeches
in the mosques. There were never two groups with
different views in the Majlis-i-Amal. At some
meetings of the Majlis-i-Amal, however, the Jama'at-
i-Islami representatives were found absent. It
was felt that they were perhaps not participating
in the meetings of the Majlis-i-Amal because they
were jealous of the popularity of the Majlis-i-Amal.
I, therefore, sent Maulana Abdul Haleem Qasmi to the
representatives of the Jama'at-i-Islami to advise
them to attend the meetings of the Majlis-i-Amal.
I asked Maulana Abdul Haleem Qasmi to tell these
representatives that their absence would strengthen
the belief that they were not genuinely associating
themselves with the Majlis-i-Amal. After this the
Jama'at-i-Islami was always represented at the
meetings of the Majlis-i-Amal. Every speaker at
the public meetings made it a point to advise the
people to remain peaceful and not to engage in

violence. I did come across the Civil & Military Gazette of 2nd February 1953, Ex.D.E.90. This issue contains comments in the form of a leader on the speech of Maulana Maudoodi delivered by him on 30th January outside Mochi Gate. Before we formed the Ahrar party, I was a member of the Khilafat Committee. The Ahrar and the Khilafat Committee both were working for the liberation of the sub-continent as well as for the preservation of the rights of the Muslims.

To Court:-

Q. What is bait-ul-mal?

A. The Treasury.

Q. Does the income from mines go to bait-ul-mal in an Islamic form of government?

A. Yes.

Q. You cited to us the other day the example of Saudi Arabia as an Islamic form of government. Do you know what is the royalty on petrol which is being paid to King Ibn-i-Saud by an American Company for extracting petrol from the Arabian fields?

A. No.

I do not consider the Government of Saudi Arabia as fully representative of the Islamic form of government.

Q. If it is put to you that King Ibn-i-Saud is receiving a royalty of £. 7,00,00,000/- and not taking it to the bait-ul-mal, will you still think that the fundamental principles of Islamic Government are being observed in Saudi Arabia?

A. If the King considers this income as his personal property and not taking it to the bait-ul-mal, he is contravening our religion. I have, however, heard that he is spending this money on the construction of harbours, building of railways, roads, hospitals, telephones and telegraph. This will, however, make no difference if the money is not actually brought into Bait-ul-Mal and is being spent on the betterment of the people out of mere generosity.

Q. What should be the ideology, purely from a religious point of view, of Muslims who are living under the kuffar?

A. Their duty is to perform their religious obligations and to preserve themselves as an organised religious group to be able to perform their collective duties, as for instance, the collection and distribution of zakat. They will also be under a religious obligation to remain loyal to Government so long as that Government does not interfere with their religion. A precedent is to be found in Islamic History in the case of Habsha which was a Christian State having Muslim subjects.

R.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

19th October 1953.

Witness No. 23 (Called by Court)

Q. Do you belong to the Deoband school of thought?

A. No.

Q. What is your view about Ahl-i-Hadis? Are they Kafir in your view?

A. Unless I am given the premises on the basis of which the Court calls a person as an Ahl-i-Hadis, I am not in a position to offer any opinion?

Q. Do you know who are Ahl-i-Hadis?

A. The persons whom I take to be Ahl-i-Hadis are those who do not believe in Taqleed.

Q. What is Taqleed?

A. Taqleed means following the way in which you believe.

I do not call a person who professes to be a Muslim a Kafir unless I know that what he says amounts to Kufr. The Qadiani Ahmadis, in my opinion, are Kafir.

Q. Do you agree with the classification of sects in Islam given in Ghias-ul-Lughat?

A. I do not think any classification of sects is given there.

Q. Do you know Ahmad Raza Khan Bareilly?

A. Yes.

Q. Do you remember if he ever gave a Fatwa that the Deobandis and Wahabis are outside the pale of Islam and that they are Martaddas and Kafirs of the worst kind?

A. I have seen the Fatwa Ex.D.E./14 and I do not agree with the opinion expressed there to the effect that the Deobandis and Wahabis are Kafirs.

Q. Even though the opinion may have the support of the Ulama from Harmain?

A. No. Not even then.

Q. Who is a Musalman according to you?

(The witness has been explained that he is to give the irreducible minimum conditions that a man must possess to be entitled to be called a Muslim.)

A. A person who believes in the Zarooriyat-i-Deen

is called a Momin and every Momin is entitled to be called a Musalman.

Q. What are these Zarooriyat-i-Deen?

A. A person who believes in the five pillars of Islam and who believes in the Rasalat of our Holy Prophet fulfils the Zarooriyat-i-Deen.

Q. Have other actions, apart from the five Arkan, anything to do with a man being Muslim or being outside the pale of Islam?

(Note:- Witness has been explained that by actions are meant those rules of moral conduct which in modern society are accepted as correct.)

A. Certainly.

Q. Then you will not call a person a Muslim who believes in Arkan-i-Khamsa and the Rasalat of the Prophet, but steals other people's things, embezzles property entrusted to him, has an evil eye on his neighbour's wife and is guilty of the grossest ingratitude to his benefactor?

A. Such a person, if he has the belief already indicated, will be a Muslim despite all this. I was a member of the Central Majlis-i-Amal.

Q. Did you wait in a deputation on Khawaja Nazim-ud-Din, the Prime Minister of Pakistan, to present the demands against the Ahmadis on behalf of the Central Majlis-i-Amal?

A. Yes.

Q. Who others were with you?

A. With me were Hazrat Pir Sahib of Sarsina (East Bengal), Master Taj-ud-Din Ansari, Sayyed Muzaffar Ali Shah Shamsi and two more persons whose names I do not now remember.

A meeting of fifteen members of the Central Majlis-i-Amal was held on the evening of 18th January. It was at this meeting that the six persons, of whom I was one, were authorized to wait on Khawaja Nazim-ud-Din and to hand over in writing to him three demands, namely, (1) that Chaudhri Muhammad Zafarullah Khan be removed from his office,

- (2) that the Ahmadis be declared a minority and
- (3) that the Ahmadis occupying key positions in the State be removed from their offices.

Q. What did Khawaja Sahib say in reply?

A. The Prime Minister replied:

- (1) that the water dispute between India and Pakistan could not be settled without Ch. Muhammad Zafarullah Khan; and

- (2) that the food question could not be solved without him,

and that, therefore, he would not remove Ch. Muhammad Zafarullah Khan from office. As regards the demand that Ahmadis be declared a minority, his reply was that he was prepared to consider the question. With regard to the removal of Ahmadis from key positions, he said that he had adopted the policy of not filling these posts with Ahmadis.

Q. If you had been informed by the Prime Minister that he was willing to consider the question of declaring the Ahmadis as a separate community, why did you start Direct Action?

- A. Because the reply in regard to the other two demands was not satisfactory.

I must have seen the Prime Minister at least six or seven times in connection with these demands. He always said that the demands would be conceded but that we should wait.

- Q. What was your impression as to Khawaja Sahib's attitude after having discussed the matter with him on several occasions?

- A. My own impression was that apart from any other obligation, he was not willing to concede the demands.

- Q. If Khawaja Sahib believed honestly that the remaining of Ch. Muhammad Zafarullah Khan in the Cabinet was absolutely necessary for a satisfactory settlement of the water dispute and for procuring from foreign countries sufficient food for this country, would you still have insisted upon his removal?

A. Yes. We would have insisted on his removal even though the result might have been starvation of the people because the demand was founded on our belief in regard to Khatm-i-Nabuwwat.

Q. If you had been in sole charge of the affairs of Pakistan and the position had been that unless Ch. Muhammad Zafarullah Khan helped you in the matter you could not have got a grain of wheat for this country what would you have done? Would you have asked for or welcomed Ch. Muhammad Zafarullah Khan's assistance or not?

A. (Notes - Witness has been asked this question time and over. The impression that he gives to the Court is that he perfectly well understands the question but is avoiding to answer it.)

R.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

Witness No. 23 (recalled by the Ahrar)

Maulana Abdul Haamid Badayuni on solemn
affirmation:-

To Mr. Subbawarday, on behalf of the Majlis-i-Amali-

I was a Congressite and also a Khilafatist
in 1919. I left the Congress in 1922.

Q. Did you oppose the Shuddi movement and the
Sangtan movement?

A.2 Most emphatically. I organised a counter
Tabligh movement.

In 1935 a conference was called by the
Qaid-i-Azam at the house of Maulana Shaukat Ali
in Karol Bagh, Delhi, for the purpose of getting
together all the Muslim parties so that they
should fight the elections under the banner of
the Muslim League. I attended that meeting both as
a member of the Unity Board as well as a member of
the Khilafat Committee and also as a member of
the Majlis-i-Ulema. Maulana Shaukat Ali also
attended that meeting as a member of the Khilafat
Committee.

I joined the Muslim League in 1937 after arriving at an understanding with the Qaid-i-Azam. I was a member of the Council of All India Muslim League. I was also a member of the Working Committee of the U.P. Muslim League. Most of the Ulama of the United Provinces, including myself, protested against the appointment of Ch. Muhammad Zafarullah Khan as member of Viceroy's Executive Council. Some time before 1944 Allama Iqbal had a resolution carried through the Punjab Provincial Muslim League that no Ahmadi could be a member of the Muslim League. A provision to that effect was also inserted in the constitution of that League. In 1944 I moved a resolution at the Council of the All India Muslim League, which met in Lahore, that in the same manner Ahmadis should be declared not eligible for membership of the All India Muslim League. The motion was the subject matter of discussion for about four hours. Everybody present seemed to be in favour of the resolution. The Qaid-i-Azam then made a personal appeal to me asking me to withdraw the resolution for the time being. I did not agree to withdraw the proposal, though I agreed to have it postponed to

some subsequent occasion. In 1947 Ch. Muhammad Zaffarullah Khan was appointed as Foreign Minister of Pakistan. Against that appointment Maulana Abdul Aleem Siddiqi and Maulana Shabbir Ahmad Usmani submitted representations to the Qaid-i-Azam.

Q. Who is Maulana Abdul Aleem Siddiqi?

A. He is a world missionary of Islam.

I am President of the Sind and Karachi Branch of Jami'at-ul-Ulema-i-Pakistan. I am also the Vice President of that Jami'at. From 1919 to 1922 I was a member of Jamia'at-ul-Ulema-i-Hind.

Q. Was there an organization called "Jami'at-ul-Ulema-i-Islam" in India before the Partition?

A. Yes, but I was not a member of that organization.

That organization was brought into existence for the purposes of elections, to counteract the influence of Jami'at-ul-Ulema-i-Hind.

I have never been a member of the Ahrar organization nor of Jama'at-i-Islami. The Ahrar were in favour of one-nation theory, while I as a Muslim Leaguer was in favour of the two-nation theory.

To Court:

Q. Were you a supporter of two-nation theory or

one-nation theory when you were a Congressite
and in the Khilafat?

A. This question had not arisen when I was a member
of the Congress or of the Khilafat Committee.
Even the Qaid-i-Azam was a member of the Congress in
those days and in favour of joint electorates.

To Mr. H.S. Subramanyam, contd. -

Q. Do you take the Tanzeem-ul-Madaris to be
an anti-Pakistan movement?

A. I consider it as a purely religious movement
and, therefore, in the interest of Pakistan.

A conference of All Muslim Parties of Karachi
was held on 2nd June 1962 in Karachi. The invitations
to that conference were issued by Maulana Ehtisham-ul-
Haq, Maulana Jafar Husain Mujtahid, Maulana Muhammad
Yusuf Calcuttavi, Maulana Lal Husain Akhtar and myself.
Exhibit D.E.53 is the specimen of the invitation.
The meeting was held in the Theosophical Hall, under
the Presidentship of Maulana Suleman Nadvi.

Q. Why did you call this conference?

A. Because we considered Ahmadis to be a calamity
for Pakistan and a danger to the public officers
in the country. They were being appointed to

key posts in the State; they were getting posts everywhere far in excess of their proportion in the population; they were doing so on account of the fact that Ch. Muhammad Zafarullah Khan was the Foreign Minister of Pakistan; their religious propaganda was being carried on in the various offices; and they had now come out and were carrying on their propaganda in the open.

The speeches at that meeting were delivered by Maulana Bhtisham-ul-Haq, Mr. M.H. Gazdar, Maulana Muhammad Yusuf Calcuttavi, Maulana Sultan Ahmad Sahib of Jama'at-i-Islami and Maulana Abdus Salam Bandvi.

Nobody ever had in his contemplation that in the matter of Rast Aqdam there should be any violence.

To Court:

The scheme adopted for the Rast Aqdam was that batches of five volunteers were to go to the houses of the Governor-General and the Prime Minister of Pakistan. They were to carry placards bearing the demands in respect of the Ahmadis and to sit outside those houses until the demands were conceded. They were on no account to commit any violence.

Q. Why was the word "Rast" used in connection with "Aqdam"?

A. Before this we had merely spoken out our demands. Now we proposed taking steps in a straight line.

To Mr. E.S. Subhawardy, Advocate, for Mailis-i-Amal:
(contd):

I produce a list of the newspapers in which our appeals to the people to remain calm and peaceful were issued. This is Exhibit D.R/54.

Q. Please name the Ulama or class of Ulama who supported the demand for Pakistan?

A. The Ulama of the Jamia'at-ul-Ulema-i-Islam, the Ulama of Deoband under the leadership of Maulana Shabbir Ahmad Usmani, Ulama of Bareilly, Ulama of Badayun and the Ulama of Farangi Mahal, Lucknow.

The Jamia't-ul-Ulema-i-Hind and most of the Ulama of Nadva were against this demand and did not want partition of the country. The Ulama's contribution to Pakistan is outstanding. But for them, Pakistan would not have come into existence. I did not join the Khata-i-Mabuwat movement at the instance of the Ahrar. The Ulama were all against Ahmadiyyat even long before the Partition. I was of course of strong opponent of Ahmadiyyat.

To Court:-

Q. Where were you educated?

A. At Madrisa Shamsul Uloom and Madrisa-i-Qadiriya, Badayun.

Q. Do you have any diploma or degree in any of the University faculties?

A. No.

Q. Have you received any secular education?

A. No.

Q. What were you doing before the Partition?

A. I had some land and also carried on some publishing business I also had some Piri-karidi.

Q. Do you consider it quite right for other people to offer you presents in the form of money?

A. I see nothing objectionable in it.

Q. When did you come over to Pakistan?

A. In 1947, after the Partition.

Q. Why did you leave your home?

A. Because I thought it was impossible for any honest Muslim to lead the life of a Mussalman in India.

Q. Who are the prominent members of the Jamia't-ul-Ulema-i-Hind?

A. My knowledge is six years old. At that time the prominent Ulema in the Jamiat-ul-Ulema-i-Hind were Maulana Mufti Kifayat Ullah, Maulana Ahmad Saeed and Maulana Husain Ahmad Tandvi.

Q. Do you call your migration to Pakistan as "hijrat" in the religious sense?

A. Yes.

Q. Did the Ulema-i-Hind have different views from that of yours?

A. They must have different views from me, but if their views are the same as mine they can rightly be described as munaflqeen.

Q. How are you making your living in Pakistan?

A. I brought some money from India which I am still spending. I am also publishing my books from which I make some money.

Q. Were you friendly with Khawaja Nazim-ud-Din?

A. Yes.

Q. After the anti-Ahmadiyya movement was started, did you have any private interview with him?

A. I must have met him alone twice or thrice.

Q. Who are Chakralvis?

A. They are Ahl-i-Qur'an, who do not believe in hadith.

Q. Do they believe in Sunnah.

A. No.

Q. How many of them are here?

A. I cannot give their exact population.

Q. Who are Bareillivis?

A. Bareillivi and Badayuni Ulama have the same religious convictions. There are some fundamental differences between the Bareillivis and Badayunis on one side and the Ahl-i-Hadith on the other, as for instance, the former do not believe in "~~Inkan-i-Kizb-i-Bari Ta'ala~~".

Q. Have you read "Alwaseela" by Ibn-i-Timiya?

A. I have read a portion of it.

Q. Do you find any difference between your convictions and what is stated in "Alwaseela"?

A. Yes.

There are certain differences between my belief and what is said by Ibn-i-Timiya in that book.

Q. Have you ever heard of Ismail Shahed?

A. Yes.

Q. What is your opinion about him?

A. So far as his sacrifices are concerned, I respect him very much. He did not believe in shakhsee taaleed, while we believe in it.

Q. Do you include in shakhs-e taqlad the taqlad of four well-known jurists?

A. Yes.

Q. Who are Deobandis?

A. They are mujallids, not Ahl-i-Hadith.

Q. What is the difference between the two?

A. The main difference between the two is that the Deobandis believe in taqlad, while the Ahl-i-Hadith do not.

Q. What is your own view about Deobandis?

A. I do not consider every Deobandi a Kafir. In certain circumstances some Ulama have called Deobandis kafirs.

Q. What is the difference between Ahmadis and Babis?

A. In my opinion Mirza Ghulam Ahmad borrowed his principles from Mirza Muhammad Ali Bab.

Q. What is the difference between Babis and Bahais?

A. So far as the doctrine of Nabuwat is concerned, the Bahais, the Babis and the Ahmadis are one and the same, but I cannot state the difference between Bahais and Babis.

Q. Have you ever read Kitab-ul-Aqdas?

A. I read it 20/25 years ago.

Q. Who is the writer of it?

A. As far as I remember Bahauddin is its author.

- Q. When you read this book, did it strike you that Bahau'llah said something which nobody had said before?
- A. I read that book, as I told you, 25 years ago and therefore cannot say what particular doctrine Bahau'llah has expounded in that book.
- Q. Did Bahau'llah call himself God?
- A. I cannot say quite definitely whether he claimed himself to be God or not.
- Q. Are Bahais a form of Shiasism?
- A. They have nothing to do with the Shias.
- Q. Do they believe in the twelve Imams of the Shias and the Mukta?
- A. I do not know.
- Q. Do you know that Bahais claim to be Shias?
- A. I do not know.
- Q. If they claim to be Shias but the Shias consider them to be outside the pale of Islam, will not the Shias be entitled, according to you, to ask them to be declared a minority in exactly the same way as you require the Ahmadis to be declared a minority?
- A. It would be for the Shias to decide.
- Q. Did you make a speech at the celebrations of Sirat-un-Nabi in Lahore in 1962?
- A. Yes.

Q. And Hafiz Kafait Husain?

A. Yes.

Q. Did Hafiz Kafait Husain in that speech make any reference to the age of the world?

A. He said some such thing but I cannot exactly say what he said.

Q. Did he fix any age of the Earth?

A. I do not know anything about it.

Q. Who issued the invitation for that meeting to you?

A. I do not remember the name of the man who issued the invitation but I did receive one invitation.

Q. Did the invitation contain the conditions on which you were to come to Lahore to make that speech?

A. I do not remember.

Q. What were you paid for making that speech?

A. I got Rs. 400/-.

Q. Was this the total amount?

A. Yes.

Q. Including your travelling expenses?

A. Yes. I was paid only Rs. 400/- which included my travelling and other expenses.

Q. The information is that you were paid Rs. 797/-
Is that wrong?

A. That figure is certainly wrong.

Q. What was Hafiz Kafait Husain paid.

A. I do not know.

Q. Who paid you this money?

A. I received money throughout the day and cannot say who sent this amount.

Q. Do you pay any income tax?

A. No.

Q. Have you read the first chapter of the Bible?

A. I read it long ago.

Q. What is the portion in the Quran corresponding to the first chapter of the Bible?

A. I should be able to tell you this if you tell me what the first chapter of the Bible is.

Q. What is the Christian theory of Takhlīq?

A. I do not know at the present time.

Q. Can you fix the time, according to any calculations, when Adam was flung on the earth?

A. There is nothing about it in our religious literature but there has been some historical investigation. I consider it to be a sin ("ma'siat") for Muslim bodies to be dissected by professors of Anatomy at the medical colleges in order to demonstrate points of anatomy to the students.

Q. Did Muslims make any contribution to Geometry?

A. Yes.

Q. To Astronomy?

A. Yes.

Q. To Medicine?

A. Yes.

Q. To Surgery?

A. Yes.

Q. Did any Muslim ever write any book or express any opinion on any anatomical question?

A. They did work in this field as well though I cannot now tell you the name. You will find information on this subject in Tarikh-i-Undulas by Nawab Zulqadar Jang.

Q. Does the Earth revolve round the Sun or the Sun revolve round the Earth?

A. It is the Earth that revolves round the Sun.

Q. Is the sun stationary?

A. It is travelling.

Q. What is the meaning of "saba samawat"?

A. It means the seven heavens.

Q. In the physical sense?

A. Yes.

To Mr. Fazal Ilahi, on behalf of Punjab Government:-

Q. Was there a riot in Karachi on 17th August 1950 in which some property was damaged and the rioters were led by you?

A. There was a riot but it is not true that I was in that riot.

Q. Were you prosecuted for having taken part in the riot?

A. No. I was merely detained under the Safety Act. This was in the time of the late Qaid-i-Millat.

On the occasion of an asfana given to Maulana Akhtar Ali Khan in Karachi on 1st August 1952, I made a speech and stated that if the demands were not accepted, Khawaja Nazim-ud-Din would go the same way as King Farooq of Egypt.

(Ex.D.B.85; "Zamindar" dated 1st August 1952, shown to the witness).

I remember I received an invitation from the Majlis-i-Amal Punjab to attend a meeting of that Majlis in Lahore some time in October 1952.

Q. Did you attend that meeting?

A. I cannot locate the date or the month, but there was one meeting of the Majlis-i-Amal, may be in October, or November, which was attended by Maulana Suleman Nadvi and not myself.

Q. Do you know Ibrahim Ali Chishti?

A. Yes.

Q. Did he issue invitation to you to come and address the audience at the Saerat-un-Nabi celebrations on 1st December 1952?

A. Probably he was the person who sent the invitation.

Q. Is it not true that a sum of Rs. 500/- was sent to you by telegraphic money order before you came to Lahore to attend the celebrations for which the invitation had been issued to you by Ibrahim Ali Chishti?

A. As far as I remember, the amount remitted to me was Rs. 400/-. I will correct myself if you show me the receipt.

I came from Karachi to Lahore in a first class compartment. I do not know if my hotel expenses were paid by the Islamiyat Department. I did not pay them. I stayed in Lahore for four or five days when I came to attend the Seerat-un-Nabi celebrations. I stayed at a hotel, but I am not sure about its name. It may be the Princes Hotel. During the days that I was in Lahore in connection with the Seerat-un-Nabi celebrations, I attended a meeting of the Majlis-i-Amal. I do not remember the date, but it may be 3rd December. During the days that I stayed at the hotel, I did not incur any expenditure except that for lodging and the hotel food. Of course, a taxi used to take me from the hotel to the place of celebrations and bring me back. The subject of my speech at the celebrations was somewhat different, but I did touch upon the doctrine of Khatm-i-Nabuwat. I concluded by saying that our Holy Prophet was Khatim in every respect, including ethics and morality.

I also attended a meeting of Majlis-i-Mashawarat organized by the Majlis-i-Amal on 14th February 1953, at Lahore.

As far as I remember Maulana Akhtar Ali Khan also attended that meeting. It is not true to say that Maulana Akhtar Ali Khan assured the members of the Majlis-i-Mashawarat

that no arrests in the Punjab would be made.

Q. Did you make a public speech in Lahore on 15th February 1953?

A. Yes.

Q. Did you in that speech say that your differences with the Ahmadis amounted to a battle ("larai") between kufir and Islam?

A. Yes. I did say that.

Q. Did at that very meeting Maulana Ahmad Ali say that "direct action" was a war of kufir and Islam?

A. As far as I know he did not use these words.

Q. Did Maulana Abul Hasnat say in that meeting that those whose steps refuse to carry them forward would not be delivered by the Prophet ("shafaat nah ho gi")?

A. The paper reports these to be his words but I do not remember. If he said so, he was right.

Q. Was it the object of "Direct Action" that the volunteers be arrested?

A. Yes. The intention was to continue to send endless batches of volunteers till Chaudhri Muhammad Zafarullah Khan resigned.

The details of "Rast Aqdam" were not explained to the public at any meeting. It is quite possible that on or about the 20th February I might have telephoned from Karachi to Maulana Abul Hasnat to come down to Karachi, but if I ever telephoned, I did not tell Maulana Abul Hasnat that Khawaja Nazim-ud-Din was softening down in the matter of demands.

To Mr. Bashir Ahmad on behalf of Sadr Anjuman-i-

Ahmadiyya Rabwah:-

Q. Did the Ahmadiyya Jama'at take any part in the campaign against Shuddi?

A. Yes.

There was a conference regarding Shuddi in Delhi in 1923. I also attended an anti-Shuddi conference in Agra which was attended by Haksem Ajmal Khan and Doctor Ansari. It is not within my knowledge that that conference was of the view that nothing further could be done in the matter until the Ahmadis joined.

Q. Did you also attend any such reconciliation conference between the Hindus and the Muslims which was attended by Sawani Sharda Nand and Dr. Gokal Chand Narang?

A. No,

Q. You say that you joined the Muslim League in 1937.

What was your political creed before that? Were you in favour of joint electorate?

A. I was not in favour of joint electorate. As already stated I was a member of the Unity Board and of the Muslim Conference and I shared the views of these two bodies. His Highness the Agha Khan was the head of the Muslim Conference and its political views were that rights of the Muslims should be safeguarded, because the quarrel with the Hindus had started.

Q. I put it to you that one of the objects of the Muslim Conference was to demand separate electorate for the Muslims?

A. No. You must be mistaken if your information is to that effect.

Q. What was the object of the Unity Board?

A. This Unity Board was constituted to press the rights of the Muslims of India before the leaders of the Hindu community. Nawab Ismail Khan was the leader of this Board.

Q. What was the policy of the Unity Board regarding separate or joint electorates?

A. The Board had no views in the matter.

I had read a printed constitution of the Provincial Muslim League Punjab. It was expressly mentioned that constitution that Ahmadis were not eligible for membership of the League.

Q. Was this body, which you are calling the Punjab Provincial Muslim League, a branch of the All India Muslim League or a different body?

A. It was a branch of the All India Muslim League.

Q. If I put it to you that you are completely mistaken on this point and that there was never any provision in the constitution of the Punjab Muslim League to the effect that Ahmadis were not eligible for membership of the League, will you correct yourself?

A. In this matter you must be mistaken, not I.

The consideration of the proposal regarding the Ahmadis was not put off for consideration to any particular date when it was introduced by me at the Council of the All India Muslim League, Lahore, in 1944.

Q. Did you ever revive this proposal during the lifetime of the Qaid-i-Azam?

A. I spoke about it several times to the Qaid-i-Azam and each time he said that the matter would be considered.

Qaid-i-Azam's reply to the representations of Maulana Shabbir Ahmad Usmani and Maulana Abul Aleem Siddiqi was that he would not let Ch. Muhammad Zafarullah Khan do anything which was detrimental to the interest of the State and that he would see that there was no occasion for the general body of Muslims to complain of his conduct.

Court Question: Was anything said about the Hindu Vakil?

A. Yes, the Qaid-i-Azam said that just as a Musalman can engage a Hindu Vakil, so Ch. Muhammad Zafarullah Khan must be considered to have been engaged by the general Muslims.

To Mr. Bashir Ahmad, contd. -

This talk took place some time in February 1947.

Q. Did you in your speech reported in the "Zamindar"

of 4th December 1952, Ex.D.E.56, say as follows:-

"اگر کوئی بد باطن یا لعین رسول اکرم کے بعد نبوت یا رسالت کا دعویٰ کرتا ہے تو اس کا علاج بھی کیا جائیگا۔ آپ کے خادم اس قوس سے غافل نہیں تھے۔ اور یہ بھی نہ ہموٹے اگر کوئی بد باطن نبوت کا دعویٰ ہو اور سرے اور تمہارے ساتھ مل جو حائیں تو ختم المرسلین کی حفاظت بھی وہی کرے گا جس نے خاتم النبیین کو پہنچا تھا۔"

A. Yes, I did say these words.

Q. What did you mean by the hands becoming "shai" in this speech?

A. I meant that for the abovesaid purpose we could use our hands so long as the hands had power.

Q. And what about your speech reported in the "Zamindar" dated 17th February 1953, Ex.D.E.57, reading as follows:-

"آپ نے کہا کہ 'اگر آپ الہیے شے ہوتے (۲) میرے نظارے سرون پر مسلک ہو سکتے ہیں تو قوم آپ کو گمشدہ کر بیچے اٹارنا بھی جانتے ہیں۔'"

A. Yes, I did say these words.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

8th October 1953.

Proceedings adjourned till tomorrow when
the statement of the witness will be resumed.

Sd/- M. Minir.

President.

Sd/- M. R. Kayani.

Member.

8th October, 1953.

9th October 1953.

31st sitting.

Present: -

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Hon'ble Mr. Justice M.R. Kayani,

Member.

Mr. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Bashir Ahmad, Advocate, assisted by Messrs Abdur Rahman

Khadiw, Asadullah Khan and Ghulam Murtaza Khan,

Advocates, for Sadr Anjuman Ahmadiyya Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-Ahrar.

Mr. Said Malik, Amir, Jama'at Islami.

Mr. Yaqub Ali Khan, Advocate, assisted by Raja Said Akbar,

Advocate, for Mian Muntaz Muhammad Khan Daultana.

Mr. H.S. Suhrawardy, Advocate, for the Majlis-i-Amal.

Witness No. 23, Maulana Abdul Haamid Badayuni,

continued, on S.A. -

To Mr. Said Malik on behalf of the Jama'at-i-Islami:

Q. What did you mean when you said that you had a muafakat

(understanding) with the Qaid-i-Azam when you joined

the Muslim League?

A. The understanding was that in future elections all

different sections and classes of Muslims would work

for the Muslim League.

I had several discussions with the Qaid-i-Azam on the

question as to the form of State that was to be built under

the name of Pakistan. He always said that the new State would be founded on the Qur'an and the Sunnah.

To Court:

Q. Can you give reference to the report of any speech or statement made by the Qaid-i-Azam to this effect?

A. I remember that the Qaid-i-Azam was once questioned on this point by Pir of Manki Sharif and he obtained from the Qaid-i-Azam a signed writing to this effect.

I still consider the Qaid-i-Azam as my Qaid.

Q. Will you consider the Qaid-i-Azam to be still your Qaid if it is pointed out to you that in his first speech to the Constituent Assembly delivered on 11th August 1947, he said something completely contradictory?

A. Yes, I will still consider him as my Qaid because he was a political leader.

Q. Have you ever read the aforesaid speech of the Qaid-i-Azam?

A. Yes. I did read that speech.

Q. Do you still agree with the conception of Pakistan that the Qaid-i-Azam presented to the Constituent Assembly in a speech in which he said that thereafter there would be only one Pakistan nation, consisting of Muslims and

non-Muslims, having equal civic rights, without any distinction of race, religion or creed and that religion would be merely a private affair of the individual?

A. I accept the principle that all communities, whether Muslims or non-Muslims, should have, according to their population, proper representation in the administration of the State and legislation, except that non-Muslims cannot be taken in the army or the judiciary or be appointed as Ministers or to other posts involving the reposing of confidence.

A. Are you suggesting that the position of non-Muslims would be that of zimmi or any better?

A. No. By zimmi are meant non-Muslim people of lands which have been conquered by an Islamic State, and the word is not applicable to non-Muslim minorities already living in an Islamic State. Such minorities are called "mu'ahids", i.e. those people with whom some agreement has been made.

Q. What will be their status if there is no agreement with them?

A. In that case such communities cannot have any rights of citizenship.

Q. Was not Qaid-i-Azam the one person in August 1947 who represented the Muslims and with whom the British or the Hindus were prepared to come to an understanding?

A. No. He used to present his views to the Working Committee and the All Muslim League Council and obtain their decision.

Q. Will the non-Muslim communities inhabiting Pakistan be called by you as "mu'ahids" ?

A. No, not in the absence of an agreement with them. To my knowledge there is no such agreement with such communities in Pakistan.

Q. You have defined zimmi as non-Muslim people inhabiting a conquered land. I have with me a Dictionary of Islam by Hughes in which the word "zimmi" is not defined in the way in which you have defined it. Will you give us any reference to the definition of a zimmi in any authoritative book?

A. You may see the Hidayah and you will find this definition there.

Q. What about the Jews in Madina? Were they zimmis?

A. They were not zimmis but mu'ahids.

Q. At what time in Islamic History did you have zimmis?

A. The Jews of Khyber were zimmis in the sense in which I have been using this term.

To Mr. Said Malik, contd. -

The views that I have expressed on religious topics before this Court of Inquiry are my personal views and the result of my studies. Of course, other people are entitled to have their own opinion in the matters.

To Court:

Q. Is Sahih Bokhari an acknowledged book of Hadith?

A. Yes.

Q. You may have read it several times?

A. Yes.

Q. Have you read the Part on "An-Nikah" in Sahih Bokhari?

A. Yes.

Q. Are there no za'eef ahadith in that Part?

A. Yes, there may be some za'eef ahadith in that Part.

Q. Please look at page 137 to 139 of the book 'Tin ahad masail' published by Idara-i-Taloo-i-Islam, Karachi, and say whether the Ahadith mentioned in Bokhari referred to in these pages are zaeef?

A. I have read these pages. I can neither admit nor deny the existence of these two Ahadith in Bokhari. Nor can I say without further study whether these two Ahadis are saheef.

If a state is to be founded on Din, the details of the constitution will be settled by the Ulema who will be representatives of the public. In Islam Din and politics were not two different things and persons appointed as Governors of provinces by Khulafa-i-Rashidin were people who were well versed in matters of Din.

To Court:-

Q. What was the extent of the Islamic empire on the death of Caliph Ali?

A. The whole of what is now called Iran, Iraq-i-Arab, Syria and the whole of Arabia had come under sway.

To Mr. Said Malik on behalf of the Jama'at-i-Islami contd:-

The Khulafa while making these appointments used to consult those near them. The body of persons who used to be consulted in these matters were called "arbab-i-hal-o-aqd".

Ulema do not enjoy the same status now as they enjoyed before the establishment of Pakistan.

People who are not well versed in matters of Din, as for instance laymen, can, in my opinion, be appointed

to the body which during the time of Khulafa-i-Rashidin was a consultative body, but because Ulema alone are proficient in matters of Din, in all probability if the State is to be founded on Islamic principles, it will be they who will be chosen by the people as their representatives. Before the establishment of Pakistan, the Qaid-i-Azam gave no details of the future constitution. All that he stated was that the constitution would be based on the Quran and the Sunnah. As to the future form of Government, the objectives resolution is final and no further question can arise.

I cannot concede to the Constituent Assembly the power to pass laws which have reference to matters relating to Din.

The word "zimmi" comes from "zimmah" which means guarantee. Zimmis are of two kinds, raitooh and moahid. Moahid Zimmis are those between whom and the Government there is a contract.

To Court:

Q. To which class of zimmis would Ahmadis belong if they are declared a minority?

A. They will not be zimmis but they will merely be a minority.

Q. Is "aqaliyyat" a modern term or does it belong to religion.

A. The Ulema have brought it into existence to meet the present situation.

If the Ahmadis do not enter into an agreement with the State, they will be liable to expulsion. The status of the Ahmadis came under discussion in the conference of the Ulema in Karachi, and it was decided to describe them by the term "agaliyyat" and not by the word "zimmi". This word, as I have already mentioned, was coined by us to meet the specific situation. They will be governed by the same principles as the mu'ahids.

Q. Even in the absence of an agreement?

A. No.

To Mr. Said Malik, contd. -

If the Ahmadis do not enter into an agreement with the State, they will not be given the rights of mu'ahid-zimmis. The right of making the constitution, of course, vested in the Constituent Assembly and not in the Qaid-i-Azam. The question as to what rights have to be given to mu'ahid-zimmis is a constitutional question and will be determined by the constitution itself. As far as I know, in Communist Russia no key positions are held by persons who do not belong to the Communist Party.

The manner in which Mirza Ghulam Ahmad described those Muslims who did not believe in him, deeply offended the Muslims. In the First War the Muslims of the entire world were against the British. The attitude of the Ahmadis was different from that of the general Muslims because the Ahmadis were in favour of the British.

(Note:- Mr. Said Malik is repeating questions the answers to which can only be based on hearsay. These questions are, therefore, disallowed.)

To Mr. Yagub Ali Khan on behalf of Mr. Daultana:

- Q. Is it correct that Khawaja Nazim-ud-Din had full sympathies with the demands up to 18th January 1953?
- A. His attitude was not quite clear; sometimes he said that he himself being a Muslim appreciated the demands, while on other occasions he said that the demands were under consideration and on one or two occasions he also said that it was not possible for him to concede the demands. On one occasion he suggested that we should take the demands to the Constituent Assembly because these were constitutional issues. We replied to him that he was the leader of the Assembly and asked him whether he would himself move the demands in the Assembly or support

them if moved from other quarters. He, however, made no promise.

A series of conferences of Ulema and public meetings were held in protest against the speech made by Chaudhry Muhammad Zaferullah Khan in Karachi in May 1952. The proceedings of these meetings and conferences appeared in the press. During all this period Khawaja Nazim-ud-Din never said that we should not hold the meetings or conferences or that we should not press the demands. Such meetings were never banned in Karachi by any order under section 144 Cr. P.C.

At the time when the convention was held in Karachi in January 1953, an order under section 144 Cr. P.C. was in force but that order had been passed because of some trouble caused by the students. There was a board of Ta'limat-i-Islami whose function was to advise in religious matters in the framing of the constitution and its members were Maulana Suleman Nadvi, Maulana Mufti Muhammad Jafar, Maulana Mufti Muhammad Shafi and Maulana Zafar Ahmad Ansari. With the exception of Mufti Muhammad Jafar, all the members of the board were active supporters of the demands. Mufti Muhammad Jafar

was one of the persons who sent invitations for the conference on 2nd June 1952. He did not take part in the convention held in January because of ill health; otherwise he was also an active supporter of the demands. From June 1952 to February 1953 whenever permission for holding a meeting was asked for, it was invariably given.

Q. Had Khawaja Nazim-ud-Din come to know on 26th February that batches of volunteers would be picketing his and the Governor-General's house from the morning of 27th February?

A. No intimation was sent to him by us but he might have received intimation of the proceedings taken by us in public, through his own sources.

Maulana Muzaffar Ali Shamsi had, at the public meeting held on the evening of 26th, announced that the decision to send the volunteers had been taken by the Majlis-i-Amal but that since the president of the meeting, Maulana Abul Hasnat, was not there, the public should come on the following morning to hear further about the matter. Throughout we were demanding from Khawaja Nazim-ud-Din that Government should accede to

our demands so that no movement to enforce the demands might become necessary. It was with this object that we postponed the date of the notice from the 21st to 26th February. Our last interview with the Prime Minister was on 22nd February.

Q. Did anyone on behalf of the Majlis-i-Amal meet the Prime Minister on the 25th or 26th February also?

A. As far as I remember nobody met him on these dates.

The Majlis-i-Amal never anticipated that its members would be arrested on 27th February. In view of his past attitude we were under the impression that negotiations with Khawaja Nazim-ud-Din would be renewed and that no drastic step on our part would become necessary. The members of the Majlis-i-Amal at Lahore used to consult those who were at Karachi either by telephone or by correspondence. As far as I remember the invitation to me to attend a meeting of the Majlis-i-Amal in October 1952 stated that my presence was required to settle dates for the coming convention in Karachi. It was of course not necessary that I should have been called to Lahore for the purpose. It is entirely untrue to suggest that I was called to Lahore on the occasion of Seerat-un-Nabi because I was

required there in connection with a meeting of the Majlis-i-Amal. Maulana Khitisham-ul-Haq also was invited to the Seerat-un-Nabi celebrations and he attended the function in the year 1951. On that occasion he was also paid some honorarium for the speech that he made.

I knew what had transpired in the interview between the Prime Minister and the deputation of the Majlis-i-Amal that met him in Lahore on 16th February. Some days before we met the Prime Minister on 22nd February, I had received a telephonic call from the Secretary to the Prime Minister inquiring why the members of the Majlis-i-Amal had not yet seen the Prime Minister. I told him that if it was necessary for the deputation of the Majlis-i-Amal to come to Karachi, I could send for them from Lahore. The Secretary answered this question in the affirmative and I telephoned to Maulana Abul Hasnat to come down to Karachi. I cannot say what would have been the position, namely, whether we would have despatched the volunteers to the houses of the Governor-General and the Prime Minister, if an order under section 144 Cr. P.C. banning public assemblies had been passed by the Karachi Government.

To Mr. Subhawardy, on behalf of the Majlis-i-Amal:-

Q. You have said that the written representation by Maulana Abdul Aleem Siddiqi and Maulana Shabbir Ahmad Usmani was presented to the Qaulid-i-Azam in February 1947. Is that date correct?

A. The year mentioned by me yesterday was wrong. In fact this incident relates to February 1948.

To Court:-

Q. During the proceedings of the convention of of the Majlis-i-Amal from 16th January to 18th January 1953, did Maulana Abul Ala Maududi or any one on his behalf ever object to "Rast Aqdam"?

A. No.

9th October 1953.

R.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

Proceedings adjourned till tomorrow.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

9th October 1953.

WITNESS NO. 24 (Called by Court).

Statement of Maulana Qamar-ud-Din, Sajjada Nashin,

Sial Sharif, on solemn affirmation:-

Q. What is a Muhaddis?

A. Muhaddis is a person who narrates a Hadis of the Prophet.

Q. What is a Wali?

A. Wali literally means a friend of Allah. A person who obeys every command of Allah and refrains from doing anything which is contrary to injunctions of Allah becomes a friend of Allah. Such persons are called Aulia..

Q. Are Wallis recipients of Wahi?

A. No.

Q. Are such persons subject of Ilham?

A. You may call it Ilham but the correct word is Ilqa which means that something intuitively occurs to them which may or may not come out true.

Q. Keeping in view your definition of a Wali, what is the difference between a Wali and an ordinary Muslim.

A. The capacity of a Wali to obey the injunctions of God and to refrain from doing anything contrary to His injunctions is greater than that of an ordinary person.

I am in support of Ahmadis being declared non-Muslims. I base this opinion on my own religious belief.

XXnt:- Nil.

Sd/- M. Munir.
President.

R.O. & A.C.

Sd/- M. R. Kayani.
Member.

5th September 1953.

28th September 1953.

22nd sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Hon'ble Mr. Justice M. R. Kayani,

Member.

Ch. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, assisted by Malik Abdul Aziz and Raja Said Akbar, Advocates, for Mian Mumtaz Muhammad Khan Daultana.

Sh. Bashir Ahmad, Advocate, assisted by Ch. Assad Ullah Khan, Ch. Ghulam Murtaza, Malik Abdur Rahman Khadim and Sheikh Nur Ahmad, Advocates, for Sadar Anjuman Ahmadiya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Maulana Daood Ghaznavi in person.

Ch. Fateh Muhammad Aziz, Advocate, for Ahmadiya Anjuman-i-Isha'at-i-Islam.

Mr. Siraj-ud-Din Munir in person.

Ch. Nazir Ahmad Khan, Advocate, for Jamiat-i-Islami.

Witness No. 25 (Called by Court)

Maulana Akhtar Ali Khan, Proprietor Dault Zamindar, Lahore, on S.A:-

Q. Who is the Editor of the Zamindar?

A. I myself am the Editor.

Q. What are your political affiliations?

A. I am a Muslim Leaguer and a member of the Working Committee of the Punjab Provincial Muslim League.

Q. Did you attend the All Parties Muslim Convention held in Barkat Ali Muhammadan Hall on 13th July 1952?

A. No.

Q. Do you know who organised that convention?

A. Maulana Abul Hasnat Muhammad Ahmad.

Q. Is he an Ahrari?

A. No.

Q. Was there any convention in June 1952?

A. I do not know.

Q. Did you make a statement to a Special Military Court?

A. Yes.

Q. Did you make the following statement there:

In June 1952 a convention was organised and the following were present:-

Maulana Abul Hasnat,
Master Taj-ud-Din,
Muzaffar Ali Shamsi,
Maulana Daud Ghaznavi,
Maulana Ghulam Din.

The main points discussed in this meeting were

- (a) Ahmadis should be declared as a minority,
- (b) Chaudhry Sir Zafarullah Khan be removed from the Ministry."

A. Yes, but I intended to refer to the July convention held in the Barkat Ali Muhammadan Hall and it was by mistake that I gave the month of that convention as June 1952.

Q. Did you attend that convention?

A. No.

Q. Were you convicted by a Special Military Court?

A. Yes.

Q. What is the sentence?

A. Fourteen years.

Q. What was the charge against you?

A. The allegations against me were that I had contravened an order under section 144 of the Code of Criminal Procedure and also made a speech attempting to spread hatred between the general body of the Mussalmans, on the one side, and Ahmadis, on the other. Both these allegations were unfounded.

Maulana Daud Ghaznavi, Muzaffar Ali Shamsi and Maulana Ghulam Din, as far as I know, do not belong to the Ahrar Party. Master Taj-ud-Din does belong to the Ahrar Party. As far as I remember, the Convention of All Muslim Parties which was held in Lahore on 13th July was not advertised.

Q. Do you know who organised the meeting of the Ulama

W. which was held on some date between 16th and 18th January at Karachi and in which a Central Majlis-i-Amal was constituted?

A. No.

Q. Did you receive any invitation for that conference?

A. No.

Q. Were you a member of the Punjab Committee of Action appointed by the Convention which was held in Lahore on 13th July?

A. Yes, I was one of the members. The other members of that Committee were Maulana Daud Ghaznavi, Maulana Abul Hasnat, Muhammad Ahmad, Maulana Muzaffar Ali Shamsi, Master Taj-ud-Din and Sahibzada Faiz-ul-Hasan.

Q. Which of these gentlemen is a Muslim Leaguer?

A. None, except myself.

Q. What were the political affiliations of Maulana Daud Ghaznavi before the Partition?

A. He belonged to the Ahrar Party.

Q. What was the political creed of the Ahrar before the establishing of Pakistan?

A. The leaders of the Ahrar Party were against the establishment of Pakistan. They were opposed to the Two-Nation Theory and the division of the country.

As far as I know, Maulana Muzaffar Ali Shamsi belonged to Gurdaspur and came over to Pakistan after the Partition.

Q. Do you know what were his political affiliations before the Partition?

A. I know nothing about his past, nor do I know anything about the past of Maulana Ghulam Din. I came to know him for the first time when the Majlis-i-Amal was constituted.

Q. Can you name the members of the Central Majlis-i-Amal that was appointed by the All Pakistan Muslim Parties' Conference held in Karachi from 16th to 18th January 1953?

A. Maulana Abdul Hamid Badayuni, Master Taj-ud-Din, Maulana Muhammad Shafi, Maulana Bhtesham-ul-Haq, Sahibzada Fitz-ul-Hasan, Maulana Muhammad Ahmad and Maulana Ataulloh Shah Bokhari.

Q. Since when have you known Maulana Abdul Hamid Badayuni?

A. I know him since the days of the Khilafat.

Q. What was the object with which the Khilafat Movement was started?

A. This movement started after the European powers had invaded Tripoli and Balkan. The object was to stop the aggression of European powers against Turkey which in those days was the seat of the Khilafat.

Q. Did this movement continue after the Turks had abolished Khilafat?

A. The Khilafat Movement in India was dropped when the Turks abolished Khilafat and declared Turkey to be a secular State.

Q. What were the affiliations of Maulana Abdul Hamid Badayuni before the Partition?

A. He was a Congressite.

Q. What was the Congress view about the Partition and the establishment of Pakistan?

A. They were opposed to the creation of the new State and the Two-Nation Theory.

Q. Where does Master Taj-ud-Din come from?

A. From Ludhiana.

Q. What were his political affiliations before the Partition?

A. He was also a Congressite originally. Subsequently he joined the Ahrar.

Q. What about Ehtesham-ul-Haq; what was he before the Partition?

A. He belonged to the U.P. He came over to Pakistan after the Partition. I know nothing about his political affiliations.

Q. Was he a member of the Jamiat-ul-Ulema-i-Hind?

A. Yes.

Q. What was the political creed of Jamiat-ul-Ulema-i-Hind before the Partition?

A. They had the same view as the Ahrar and the Congress, namely, they were opposed to the Two-Nation Theory, the Muslim League and the establishment of Pakistan.

Q. Do you know anything about the Jamiat-ul-Ulema-i-Hind now?

A. It still exists and has its headquarters in India.

Q. Is it part of their religious conviction that Mussalmans of India can never be true and faithful subjects of the Indian Government?

A. No. They believe that Mussalman subjects of the Indian Republic can be true and faithful subjects of their Government.

Q. What about Maulana Ataulloh Shah Bokhari? Where does he come from?

A. He belonged to Amritsar but occasionally used to come to Lahore. He is a prominent member of the Ahrar and a very eloquent speaker.

Q. What were your relations with Mian Mumtaz Muhammad Khan Daultana?

A. I had relations with him such as a Mussalman should have with another Mussalman.

Q. Did you go to his house once a week?

A. No.

Q. Did you make the following statement before the Special Military Court?

" I used to visit regularly Mian Mumtaz Muhammad Daultana at his residence at intervals of a week or so."

A. Yes, but what I intended to convey was not that I used to visit him regularly every week but only occasionally.

Q. Did Mian Mumtaz Muhammad Khan Daultana ever tell you that he wanted that the movement, the object of which was to have the Ahmadis declared a minority and the removal of Chaudhry Muhammad Zafarullah Khan from the Central Cabinet, should be supported?

A. No.

Q. Did you make the following statement to the Special Military Court?

" During this course of discussion Mian Mumtaz Muhammad Daultana told me that he wants that this movement (the movement described in the preceding part of the statement) should be supported".

A. Yes. I did make that statement. Mian Mumtaz Muhammad Khan Daultana did tell me that he wanted that the movement should be supported.

Q. Did you make the following statement before the Special Military Court?

"During this course of discussion Mian Muntaz Muhammad Daultana told me that he wants that this movement (the movement described in the preceding part of the statement) should be supported".

A. Yes. I did make that statement. Mian Muntaz Muhammad Khan Daultana did tell me that he wanted that the movement should be supported.

Q. Did you make the following statement before the Special Military Court?

"During these visits he (Mian Muntaz Muhammad Khan Daultana) told me that the Muslim League had passed a resolution accepting the demands i.e. Ahmadis should be declared as a minority; and Sir Zafarullah Khan be removed from the Ministry. During this course of discussion Mian Muntaz Muhammad Daultana told me that he wants that this movement should be supported. He also said that this movement should be mainly directed against the Central Government of Pakistan and as far as possible nothing should happen in the Punjab."

A. Yes. I did make that statement and it is correct.

Q. Then were you wrong when you stated in reply to an earlier question that Mr. Daultana did not tell you that he wanted the movement to be supported?

A. It must be wrong.

Q. Did you make an application on 2nd May 1953 from the Central Jail, Lahore, to Major General Muhammad Azam Khan, Chief Administrator Martial Law, Lahore?

A. Yes. I did submit an application to him on the date mentioned.

Q. Do you think that Mr. Daultana was responsible for the anti-Qadiani Disturbances?

A. No.

Q. In the application just mentioned, did you allege as follows:-

"True facts of the case are that Mian Muntaz Daultana was responsible for the anti-Qadiani Disturbances".

A. Yes. He must be held responsible by reason of his being the Chief Minister of the Province.

Q. Was Mr. Daultana the originator of the move to have Chaudhry Muhammad Zafarullah Khan removed from his position?

A. I do not say that he originated the move.

Q. Did you make the following statement in the application dated the 2nd May 1953:-

"It was Mian Muntaz Daultana's advice that movement to replace Sir Zafarullah was started".

A. Yes.

Q. Did Mr. Daultana ever call a meeting of the Action Committee at his residence?

A. No.

Q. Did you make the following statement in your application of 2nd May 1953:-

"Before the start of Khatag-i-Nabuwat movement Mian Muntaz Daultana called a meeting of Members of the Action Committee at his residence. In this meeting Maulana Abul Hasnat, Syed Ahmad, Master Taj-ud-Din, Muzaffar Ali Shamsi and myself were present. In this meeting he very clearly told us that if we start direct action his sympathies would be with us but the movement should be directed against Karachi and not Lahore. His idea was that when the movement is started, Khawaja Nazim-ud-Din would ask him to stop this movement. In this manner he would make an impress both on the general public and the Central Government. Mian Daultana's contradictory statements during the Disturbances bear this out."

A. I did make that statement and it contains the truth.

Q. Did you have a talk at Lahore about Mr. Daultana with Khan Abdul Qayyum, the Frontier ex-Chief Minister?

A. Yes.

Q. What did Khan Abdul Qayyum say about Mr. Daultana?

A. He said that Mr. Daultana was pursuing a double policy in regard to the Parity Issue.

Q. Who was responsible for the activities of the Goondas in Lahore?

A. The Chief Minister of the Province.

Q. Did Mr. Daultana ever have a Goonda released from Jail?

A. Yes.

Q. Did you, therefore, rightly state in your application:

"Goonda element was responsible for the bloodshed and destruction during last disturbances. Responsibility for this also rests with ex-Chief Minister because whenever a goonda was sent to jail, he was left off due to influence and recommendation of ex-Chief Minister. He did this to get more popular."

A. Yes.

Q. Did he ever issue any instructions to oppose the Central Government over this issue and to start Direct Action.

A. No.

Q. Did you make the following statement in your application dated the 2nd May 1953?

"He (Mr. Daultana) gave instruction to oppose the Central Government and to start the Direct Action".

A. I do not remember having written any such thing in that application.

Q. Who got you convicted and sent to Jail?

A. Mr. Daultana.

Q. Did he do so to please Khawaja Nazim-ud-Din?

A. Yes.

Q. When were you convicted?

A. On 14th or 15th May 1953.

Q. What led you to address the application of 2nd May 1953 from jail to the Martial Law Administrator?

A. I thought that if I could be convicted, Mr. Daultana and Khawaja Nazim-ud-Din must be held responsible for what happened. The Premier of Pakistan and the Chief Minister of the Punjab were responsible for what they did and deserved to be exposed.

The Ahrar picked up the controversy in respect of the Ahmadis with a view to regaining their lost political influence. I had nothing to do with the Ahrar after the Partition.

Q. Did you ever have any talk with Mr. Daultana regarding the release of certain Ahrar who had been imprisoned for making objectionable speeches?

A. Yes.

Q. When was it?

A. In June or July 1952.

Q. Who were the persons who had been prosecuted or were being prosecuted?

A. No one had till then been convicted. Cases were pending against Master Taj-ud-Din Ansari and Sh. Hasam-ud-Din.

Q. What was the talk?

A. I was of the opinion that in order to strengthen the Muslim League, it was necessary to seek the co-operation of the Ahrar. I, therefore, suggested to Mr. Daultana that the cases pending against the Ahrar should be withdrawn?

Q. Did you go to him of your own accord or did any one suggest it to you?

A. I voluntarily went to him.

Q. What was Mr. Daultana's view regarding these arrests?

A. I do not know.

Q. Did you make the following statement before the Special Military Court:-

"He (Mr. Daultana) agreed with me that the arrests made inside the mosque were a wrong move on the part of the Punjab Government?

A. Yes.

This is what he and Khawaja Nazim-ud-Din, Premier, actually said.

Q. Was anything in this interview said regarding the conditions on which cases pending against the Ahrar were to be withdrawn?

A. No. No conditions were discussed.

Q. Did you have any talk about these arrests with Mr. Ghias-ud-Din Ahmad, the Home Secretary, on 1st July 1952 or 3rd July 1952?

A. I might have done so but I do not remember now.

Q. Is it not a fact that the Home Secretary explained to you the reasons for these arrests and you went completely satisfied but on the following day you wrote an article supporting all that the Ahrar had been saying?

A. I do not remember any such thing.

Q. Did you meet Khan Qurban Ali Khan, the I.G. Police, on 6th July 1952?

A. No. I met only Mr. Anwar Ali, D.I.G., C.I.D.

Q. Did you think that those were the proper occasions for political speeches from the mosques?

A. I have already said that the Ahrar were exploiting their religious difference with the Ahmadis for political purposes and if the speeches in the mosques were made by the Ahrar for that purpose, I would not approve of that.

Q. Did you suggest that the Qurbani-skins should be collected with a view to financing the Khatm-i-Nabuwat Movement?

A. Yes.

Similarly, I suggested that funds should be collected by sale of one-rupee-Khatm-i-Nabuwat notes.

Q. How much money was collected in this manner?

A. Only Rs. 3,000/- or Rs. 4,000/-.

Q. Were any accounts kept?

A. Yes. Maulana Abul Hasnat Muhammad Ahmad maintained an account.

Q. How Many times did you discuss the subject of demands in respect of the Ahmadis with the Premier of Pakistan?

A. I first met him alone sometime in August 1952. I was already in Karachi in connection with a Press Conference. I told him that the demands were justified and asked him what his own opinion in the matter was.

He replied as follows:-

(Note:- The witness is reading from a paper (Ex.D.E.16) and professes to reproduce the precise words of Khawaja Sahib.)

"مجھے ملک کے جذبات اور احساسات کا پورا علم ہے میں جانتا ہوں کہ مسلمان کیا چاہتے ہیں۔ لیکن میں انہیں کہوں گا کہ حکومت ان کی جذبات کا پورا پورا احترام کرتی ہے لیکن ان کی مطالبات کو پورا کرنے کے راستے میں کچھ اتنی دشواریاں ہیں ان دشواریوں کو دور کرنے میں کچھ وقت لگے گا اس لئے مسلمانوں کو توقف اور اطمینان سے کام لینا چاہئے۔ امن اور قانون کو برقرار رکھنے میں حکومت سے تعاون کرنا چاہئے ہم جو بھی فیصلہ کریں گے وہ مسلمانوں کو قابل قبول ہوگا۔ آپ نے کہا کہ یہ فیصلہ غلط ہے کرام کی میں مرضی کے مطابق ہوگا۔ مری حکومت ۱۲ اگست کو بنیادی حکمت علی کا اعلان کر دیگی مجھے امید ہے کہ یہ وضاحت ملک کی رائے عامہ کو مطمئن کر دے گی۔"

I was satisfied and on my return to Lahore I reproduced the exact reply that the Premier had given. After this I had four or five interviews with Khawaja Nazim-ud-Din in Karachi and one, in company of certain Ulama, in Lahore. His replies were evasive. When I met him in Lahore, I was accompanied by Maulana Abul Hasanat Muhammad Ahmad, Maulana Muzaffar Ali Shamsi and Master Taj-ud-Din. He heard us but gave no satisfactory reply.

Q. Did a meeting of the Council of Action take place in Victoria Hotel on 14th February 1953?

A. Yes.

Q. Were you present at that meeting?

A. Yes.

Q. Was the question discussed at the meeting as to what the Council would do if the Punjab Government arrested volunteers on the way to Karachi?

A. The question was discussed, but no decision was arrived at.

Q. Did you then remark that no arrests would be made in the Punjab and that you would see to it?

A. No.

Q. Did you, on or about 17th February, telephone to the General Manager, N.W.R., enquiring whether a special train could be arranged between Lahore and Karachi to take the volunteers from the former to the latter place?

A. Yes.

Q. What was the reply?

A. I did make this enquiry, but received no reply. My last interview with the Premier took place in the third week of February 1953. On that occasion there were with me Maulana Suleman Nadvi, Maulana Muhammad Shafi, Maulana Abdul Hamid Badayuni and Maulana Khatam-ul-Haq. During the interview I suggested it to Kh. Nazim-ud-Din that either opinion of all Ulema of the world be obtained on the issue or the matter be referred to the Chief Justice of Pakistan and the Chief Justice of High Court, Lahore, whose decision, after the viewpoint of the general Muslims was heard, be considered to be binding. He expressed his approval of this proposal and I returned to Bahawalpur where I had to attend a Press Conference. While there I received a message that I was required at Karachi by Kh. Nazim-ud-Din. I replied that if arrangements for

my journey by air to Karachi could be made, I could come to Karachi. From Bahawalpur I came to Lahore. After surveying the conditions here, I returned to Karachi. When I saw the Premier on 16th February in the Government House, Lahore, Maulana Khajim Husain also was with us.

Q. Did you ever meet the Chief Minister of Punjab in company with Maulana Abul Hasanat Muhammad Ahmed, Maulana Muzaffar Ali Shamsi and Master Taj-ud-Din?

A. Yes. At that meeting the Chief Minister enquired from us why we were concentrating at Lahore and advised us to concentrate at Karachi.

Q. How many times did you make public speeches on the subject of Khata-i-Nabuwwat and the differences with the Ahmadis and the demands against them?

A. I made several speeches and my practice was to write out what I had to say and to read it to the public. I have with me copies of all these speeches.

Q. Where was the office of the Council of Action?

A. At the "Aziz Khan Mosque.

Q. Was not the office of the Council of Action located for some time in the office of the Zamindar?

A. There was no regular office of the Council of Action in the office of the "Zamindar", though occasional meetings of that Council were held in the office of the "Zamindar".

The proceedings of the Council of Action were duly recorded.

This record should be either with Maulana Daud Ghaznavi or with Maulana Muzaffar Ali Shamsi.

Q. Please look at the issue of the "Zamindar", of 6th November 1952 and say whether the advertisement on the first page of that issue under the heading: ✓
"Markazi Majlis-i-Amal All Parties Muslim Convention Pakistan, Lahore, ke xer-i-ihitiam tehrif-i-tahaffuz-i-khatm-i-Nabuwat". (Ex. D.E.17) published with your approval?

A. This item of news was published in the ordinary course and not with my approval.

Q. On the first page and without any charges?

A. This, the Manager ought to tell you.

Q. Look at the contents of it and say whether they are correct?

A. Yes, the contents of this advertisement are correct.

Q. Should we then take it that the department of Islamiyat was closely associated with the Khatm-i-Nabuwat movement?

A. That is what this advertisement would show.

Q. Was this advertisement ever brought to your notice before this date?

A. No.

Q. Are you quite certain?

A. Absolutely.

Q. Mr. Nur Ahmad, the former D.P.R., has stated that an inquiry about the source of this advertisement was made from you within two days of its appearance. Is that correct?

A. Certainly not.

Q. Was any inquiry made about this from your office to your knowledge?

A. No.

Q. Did you attend the lunch that was given at the Government House to the Egyptian Press Delegates on or about the 28th of February?

A. Yes.

Q. When was the warrant for your arrest shown to you for the first time?

A. Probably on the 28th February.

Q. Who brought that warrant?

A. No warrant was ever brought or shown to me. What

happened was that Mirza Huzrat Beg, P.A. to Mr. Daultana came to me together with Mr. Zulqarnain, S.P.

They asked me what my views about the Direct Action were. I told them I had the same views as I had mentioned to Kh. Kazim-ud-Din. They then asked me to express those views in my paper, and I did so. Thereafter I left for my home town, Karamabad in the Gujranwala district.

News went round in Lahore that I had apologised to Government, and a large crowd of people collected around my office in Lahore. They began to abuse me and began to throw stones at the building. On my return from Karamabad, I telephoned to Mr. Naeem-ud-Din, S.S.P., informing him what had happened and asking for police aid. He asked me to go to Police Station Charing Cross. There I was told that my paper had been stopped for one year. I told him that neither the Government nor the public was pleased with me and that I had better be sent to jail. I returned to my house and from there I went to Wazir Khan Mosque to appeal to the public to be peaceful. Accordingly, on 2nd March, I made my speech in that mosque.

In the meeting at the Wazir Khan mosque I made a speech advising the audience to refrain from all subversive

activities and lawlessness because Pakistan was our own

country and the police and the army, which were responsible for the maintenance of law and order, were our countrymen and that it was the duty of every one of us to preserve the State and not to see it disintegrated. I specifically advised the audience not to contravene any

order under section 144 of the Code of Criminal Procedure,

if any such order was promulgated by competent authority.

After the speech, a procession set out from the mosque.

I also joined that procession. The procession was perfectly

peaceful and it stopped near the Assembly Hall. There

Mirza Naasem-ud-Din, S.S.P., came to me and told me to ask

the processionists to disperse lawfully. Accordingly I

made a speech in exactly the same tenor as I had made at the

Wazir Khan mosque. After this Mirza Naasem-ud-Din put me

under arrest, and ordered my detention under the Punjab

Public Safety Act at the Central Jail for six months.

Q. Is the document Ex.D.E./18 in your handwriting?

A. Yes.

Q. When did you write this document?

A. I wrote this document at Police Station Charing

Cross some time before I left for Karanabad.

It is this document which was subsequently taken

by the public to be an apology by me.

Q. The document Ex.D.E/18 has been written on a paper which bears printed letter-heads of your own. Had you taken this paper with you to the Police Station?

A. I do not remember it now.

Q. Did you have any talk with the Chief Minister at the Government House on the occasion of the lunch to the Press Delegation?

A. No.

Q. Did you accompany the procession willingly and voluntarily or were you forced by the mob to march with them?

A. Nobody could have then otherwise acted.

Q. Have you been on quite good terms with the Government of the Province and the Central Government?

A. Yes.

Q. Were you selected by the Central Government as a member of the Goodwill Mission of newspaper editors to India?

A. Yes.

Q. Again, were you selected by the Central Government to go to Holland on a newspaper-editors Mission?

A. Yes.

Q. Did the Central Government give you a special quota of newsprint to the extent of Rs. 50,000/- ?

A. Yes.

Q. Did the Punjab Government purchase from the Adult Literacy grant copies of the 'Zamindar' worth Rs. 30,000/-?

A. Yes.

Q. Were all these copies supplied?

A. The contract was complete but a certain number of copies had yet to be supplied when the 'Zamindar' was banned.

Q. Any allotment in your favour?

A. Yes. The Vir Milap Press was allotted to me by the Mamdot Ministry.

The Press was subsequently purchased by me and I had made part-payment.

Q. Being so much favourite of Government why did you take part in the Rast Aqdam (Direct Action)?

A. I did nothing against Government.

Q. Then what did you mean by 'Direct Action'?

A. The object was not to violate the law of the country.

Q. What did you mean by Direct Action?

A. The object was peacefully to compel the Government to accede to the demands in respect of the Ahmadis.

Q. Do you know that this phrase "Direct Action" was first used in political activities in the Civil War of America?

A. Yes.

Q. Do you know the sense in which this phrase was used by the Southern Americans?

A. Yes.

The programme as adopted by the Council of Action was "Rast Aqdam" and "Direct Action" was its mistranslation.

Q. What was the object of sending volunteers to Karachi?

A. To tell the Government what the demands of the people were.

"Rast Aqdam", in my opinion, was wrong in its natural consequence was what actually happened.

Q. Did you address a Khata-i-Nabuwat conference at Gujranwala in July 1952?

A. Yes.

Q. Was Sahibzada Faizul Hasan also one of the speakers in that meeting?

A. Yes.

Q. Did the Sahibzada say in his speech that to kill an Ahmadi was to gain the pleasure of God?

A. I do not remember if he actually said this, but if he did he was wrong.

Q. Do you remember the incident at that conference that one of the audience on hearing a speaker rose up and asked if he could go and cut off the head of the head of the Ahmadiya community?

A. I do not remember any such incident.

Q. After this conference was a tea party given to you at Gujranwala?

A. Yes.

Q. Did the Deputy Commissioner and the Superintendent of Police attend this party?

A. Yes.

Q. Did the prominent Muslim Leaguers also attend that party?

A. Yes.

Q. The C.I.D. reported that very violent speeches exciting hatred against the Ahmadis and inciting people to violence were made at that conference.

Is that so?

A. I presided over only one session of that conference and during my presidency no such speeches were made. If any such speech had been made in my presence, it would have been my duty to stop the speaker.

Q. Is this, Ex.D.E/19, a correct copy of the statement that you make before the Special Military Court?

A. Yes.

Q. And is this, Ex.D.E/15, a correct copy of the application that you sent from Jail on 2nd May 1953?

A. Yes.

Q. And is this, Ex.D.E/20, a carbon copy of the application that you submitted to the present Chief Minister on 12th April 1953?

A. Yes.

Q. You were committed to the jail on 2nd March 1953. Were you ever taken out of the jail for purposes of interrogation by any authority?

A. Yes.

Q. Who took you out and when?

A. I was taken out of the jail on three separate occasions by three Military Officers. I was taken to the Officers Mess.

Q. Were you treated courteously by those Military Officers?

A. On the first occasion I was treated with courtesy; on the second occasion the behaviour of the Military was rude; and on the third occasion again the Military treated me with respect.

Q. It is being suggested that you were tortured by the Military?

A. I say you may take it that the Military tortured me because my age is 61 and on the second occasion of my being taken to the Mess I was kept awake for the full night and detained in a small room for full eighteen hours. During the night I was being constantly interrogated.

Q. Was your statement that you made to the Military true or false?

A. The interrogating officer was throughout persuading me to tell what I could against Mr. Daultana, irrespective of whether what I stated was true or false, but this had no effect on me and I stated what I knew to be the truth.

Q. Who was that Military Officer?

A. The name of the Officer who was interrogating me was Col. Nawaz of 6th Lancers.

At the time when I was being taken out of the jail, the authority for my arrest and detention was an order under the Punjab Public Safety Act and no other order.

I was not arrested for any offence committed against
Martial Law.

Sd/ M. Munir.
President.

Sd/- M. R. Kayani.
Member.
28th September 1953.

C. R. D. E. R.

The witness produced a copy of the Daily
"Asar" (Ex.D.E.21), dated the 21st June 1953, and
draws the attention of the Court to a contribution
by "Dardmand" under the heading 'Mirza Bashir-ud-Din
Mahmud ka elan' and states that this Elan should
for ever end the Ahmadiyya and non-Ahmadiyya
controversy because the leader of the Ahmadiyya
Community has in this Elan practically removed the
several grievances which the general body of Mussalmans
had against his community. The Elan substantially
accords with the written statement put before this
Court by the Sadr Anjuman-i-Ahmadiyya, Rabwah, which
is open to public inspection.

Mr. Yaqub Ali Khan for Mr. Daultana expresses his inability to cross-examine the witness in the absence of instructions from his client who is in Karachi in connection with the meetings of the Constituent Assembly and who is not expected to return to Lahore before 7th of October 1953. We allow counsel to reserve cross-examination. The witness will be recalled on a date to be named on the return of Mr. Daultana from Karachi.

Adjourned till tomorrow..

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

28th September 1953.

Maulana Akhtar Ali Khan (Witness No. 25)
recalled, states on S.A:-

To Mr. Mazhar Ali Azhar, Advocate, on behalf of
Majlis-i-Ahrar.

The result of my interview with the Prime Minister on
the 1st August was published in the "Zamindar" of 4th August,
Ex.D.E.118. The "Zamindar" of 13th August, Ex.D.E.119,
reports a speech alleged to have been made by Ch. Muhammad
Zafarullah Khan in Karachi.

Q. Were these two news items ever contradicted by
any one?

A. No.

To Mr. Fateh Muhammad Aziz, on behalf of Ahmadiyya
Anjuman-i-Isbat-i-Islam.

Q. In your article published in the 'Zamindar' of 27th
July, 1952, Ex.D.E.120, you have stated that after
our Holy Prophet no new or old Prophet would appear.
What do you mean by old Prophet (purana nabi)?

A. Isa Ibn-i-Maryam.

To Mr. Asadullah Khan, on behalf of Sadr Anjuman-i-
Ahmadiyya, Rahwah:

Q. Did you preside over a conference at Sheikhupura in
connection with Khatm-i-Nabuwat Movement in October 1952.

A. Yes.

Q. Did you say in the course of that speech published in the 'Zamindar' dated 11th October, 1952, Ex.D.E.121, that unless Ahmadiyyat was obliterated, Pakistan in the true sense would not be established?

A. Yes.

Q. Did you in your speech in Masjid Wazir Khan on 23rd February 1953, reported in the 'Zamindar' dated 25th February, Ex.D.E.122, say that the Britisher has rolled up his bed and disappeared and that now there was time for his offspring (zurriyat) to disappear?

A. Yes, I did say that.

Q. Did you in your leader of the 'Zamindar' dated 16th February, 1953, Ex.D.E.123, say that if the Prime Minister was negligent in the matter of the demands in respect of the Ahmadis, the Government would soon be helpless?

A. Yes.

Q. Did you in that very paper insert the news that a member of the Majlis-i-Amal on being questioned about the nature of rust iqdam, said that the true scope and character of rust iqdam would appear in a few days and that for the time being it was all confidential?

A. Yes.

To Court.

Q. Who was the man who said this?

A. I do not remember his name now.

To Counsel contd.

Q. Did you in your leader of the 'Zamindar' dated 26th October, 1952, Ex.D.B.124, say that even if you were hanged you would not give up the demands?

A. Yes, I did say that and, in fact, I have been hanged.

Q. Did you after reproducing a quotation from the "Alfazal" in the 'Zamindar' of 27th November 1952, Ex.D.B.125, say that conditions existing in 1911 demanded allegiance to the British?

A. Yes, I did say that.

Q. Why did you in reproducing the extract from the 'Alfazal' omit the following verses:-

جنگ فرط عہد سے میرا سر ہوا جب تذکرہ کنگہ امیر کا
جلالت کو مے کیا کیا ناز اس پر کہ شہنشاہ مے وہ بحر و بر کا
رجحہ قسمت جو ہوا اگر گوشہ حاضری ہمیں اسکی نگاہ فیض اثر کا
خدا انکلیت کو رکھے سلامت کہ مے اس سے تعلق ہر بحر کا

A. I do not recollect the reason now.

Q. Do you know if Maulana Zafar Ali Khan is the author of these verses?

A. Probably he is.

to Mr. Fazal Ilahi, Advocate, on behalf of the Punjab

Government:

Q. What was Direct Action or rast iqdam?

A. The idea underlying rast iqdam was that if the demands were not accepted, there should be public meetings, resolutions, deputations and prayers, to impress upon the Government that the demands were the unanimous demands of the entire Muslim community.

Q. Was the word used for 'direct action' 'Rast Iqdam' or 'Barah-i-Rast Iqdam'?

A. Rast Iqdam.

Q. Look at the issue of the 'Zamindar' dated 28th January 1953. Why did you use the words 'Barah-i-Rast Iqdam' here?

A. It must be the scribe's mistake.

Q. But the words have been used in the 'Zamindar' several times. How does a scribe's mistake explain it?

A. The words used might in fact have been 'Barah-i-Rast Iqdam'.

Q. Were the words 'Barah-i-Rast Iqdam' used in a Muslim League resolution published in your paper of 9th November 1952 regarding the Kashmir Jehad?

A. Yes, I see these words in that issue.

★ To Court:-

Q. What is, according to you, the difference between Rast Iqdam and Barah-i-Rast Iqdam?

A. I see no difference.

Q. How do you literally translate the word 'Rast' in the expression 'Rast Iqdam'?

A. "Right".

Q. And how will you translate the word "Barah-i-Rast"?

A. "Direct".

Q. Did you contribute a leading article to the resolution of the Muslim League mentioned just now?

A. Yes.

Q. What did you mean by the words 'Barah-i-Rast' as used in your leading article?

A. I mean that we should fight.

Q. Why do not the same words have the same meaning when you used them in your paper in connection with the three demands?

A. In the context of the three demands, the words did not have the same meaning as in the case

of the Kashmir Jihad because here we were not fighting with an enemy;

- Q. Does the word 'Rast' in the expression 'Rast Iqdam' have the same sense as in the couplet:-

راہ راست ہو اگرچہ دور است

- A. Yes.

To Mr. Fazal Ilahi continued:-

The 'Rast Iqdam' was not intended to include the disobedience of section 144 orders, picketing and civil disobedience.

- Q. How many volunteers were collected in Lahore?

- A. I do not know. The Secretary of the Majlis-i-Amal will be able to tell you.

The Majlis-i-Amal had never decided upon the number of volunteers that were to be enrolled.

- Q. Did 26,300 volunteers in fact collect in Lahore?

- A. It is so reported in my paper dated the 28th February 1963, Ex.D.E. 126, but I do not know whether it was a fact.

Q. Were the volunteers required to sign a pledge in their own blood?

A. I do not know.

Q. And what about the news in your paper of 28th February 1953 (Ex. D.E. 126 that 5,500 volunteers had signed in their blood the pledge that in the cause they would shed the last drop of their blood?

A. The staff reporter so reported but I do not know whether it was a fact.

Q. Did the programme of the Majlis-i-Amal include the enrolment of 50,000 volunteers?

A. Yes.

Q. Did you in your statement published in the 'Zamindar' of 28th February say that the 'Rast Iqdam' had begun and that residences of the Governor-General and the Prime Minister will be picketed on the following day?

A. Yes.

Q. Then why did you say that picketing was not included in the 'Rast Iqdam'?

A. This expression was used in the newspaper merely out of threat. In fact it was not intended to put the threat into execution. This news was the figment of my own imagination and not based on any decision taken by the Majlis-i-Amal. The same is my reply in regard to the enrolment of 50,000 volunteers. Similarly the news that 26,300 volunteers were in Lahore out of whom 5,600 had signed a pledge in blood if it is factually not correct but was in the nature of propaganda.

Q. Is it consistent with your profession of Islam to tell a falsehood occasionally and as a part of propaganda?

A. Every politician tells lies.

Q. Did you make this false assertion as a politician or as a musalman?

A. To a Musalman, religion and politics are not two different things, but one and the same things.

Q. Does it, therefore, follow that, if a Muslim politician lies, he lies as a Musalman?

A. Why should you take away the right of telling lies from the Ulema when you grant it in the case of politicians.

Cross-examination by Ch. Fazal Ilahi (Contd.)

Q. Did you on 25th February 1953, in Masjid Wazir Khan, address a gathering of about one lac, who were to take certain volunteers in a procession to the railway station?

A. I made no such speech in Masjid Wazir Khan on the date mentioned. But if you say that I did make any speech and it is mentioned in the newspaper you have in your hand, you might dictate to the stenographer whatever you like just as the military authorities, who questioned me, gave their own dictation.

My statement before the Special Military Court is a mixture of lies and truth. ✓

Q. Did you not then, when you were last examined say that your statement before the Military Court was entirely true? ✓

A. I did not say any such thing without qualification.

Q. Did you state the following, when you were last examined in this Court:-

"The interrogating officer was throughout persuading me to tell what I could against Mr. Daultana, irrespective of whether what I stated was true or false, but this had no effect on me and I stated what I knew to be the truth."

A. Yes. I did make that statement.

There was a public meeting in Masjid Wazir Khan on 23rd February and I did address that meeting.

On that day a procession left under the leadership of Sahibzada Faiz-ul-Hasan to escort some volunteers to the railway station. These volunteers were to leave for Karachi.

Q. Who is the proprietor of the "Zamindar"?

A. My father, Maulana Zafar Ali Khan.

To Court:

Q. Exclusively?

A. Yes.

Cross-examination by Mr. Fazal Ilahi (contd.):-

Q. Was Mr. Abdur Rahim Shibli your leader writer?

A. Yes.

Q. Who is Ashraf Ata?

A. Joint Editor.

Q. Who used to write "sukhanha-izustani" by gharib-i-sahifat?

A. Ashraf Ata.

Q. And not Muzaffar Ehsani?

A. This is more probable.

Q. And who is mufakkir of your paper?

A. Abdur Rahim Shibli should tell you.

Q. Was it not Ibrahim Ali Chishti?

A. I do not know.

Q. And who wrote under the pseudonym "Mubassir"?

A. Ibrahim Ali Chishti should tell you.

Q. Do you deny that "mubassir" and "mufakkir" are synonyms of Ibrahim Ali Chishti?

A. It may be so, but I do not know.

Q. And who is "sarqashta" of your paper?

A. I do not know.

Q. Was the movement sponsored by you directed against the Centre and not against the Province?

A. Yes, that is so.

Q. Is it true that the policy of your paper was invariably to oppose the Central Government and to support the Provincial Government?

A. No.

Q. Does not such policy appear from the issue of "Zamindar" dated 12th December 1952, Ex.D.B.127?

A. No, you can read the paper and feel pleased if you form that conclusion. I do not at all arrive at that result from this article.

Q. Were you eulogising the Provincial League and criticising the Central League?

A. No.

Q. What did you mean by the young blood in this article?

A. Yourself (Mr. Fazal Ilahi, the cross-examiner.)

Q. Who originated the Khatm-i-Nabuwat Movement?

A. The Ahrar were more enthusiastic about it. They used this movement in order to regain their lost popularity.

Some of the Ahrar speakers in mosques were arrested for contravening orders under section 144, Cr.P.C.

Accordingly a working committee of the Ahrar was called and near the end of June 1952 a meeting was held to consider the situation arising out of the arrests.

Q. After the meeting near the end of June, 1952, did the Ahrar issue an invitation, Ext. J B./128, published in the "Zamindar" of 3rd July 1952, to all the leading parties of Mussalmans, requiring them to attend a general meeting in Lahore?

A. On 1st July 1952, the Ahrar decided to issue instructions to leading members of different religious sects requiring them to state whether they agree or did not agree with the Ahrar on the doctrine of Khata-i-Nabuwat and to publish their views that they agreed with the Ahrar on that question.

Q. Who called the All Muslim Parties Convention, held in Barkat Ali Hall, Lahore, on 13th July 1952?

A. The Majlis-i-Ahrar.

Q. I received an invitation from the Majlis-i-Ahrar for that meeting.

Q. Was there a Convening Committee, for the All muslim Parties Convention?

A. Yes.

Q. Who settled the agenda for the Convention?

A. The Da'ee Committee.

Q. Where was it?

A. This agenda was settled by the Committee at the office of the Majlis-i-Ahrar, some time before the date of the convention.

Q. Do you know who were the members of the Da'ee Committee?

A. The preponderant majority was of the Ahrar.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

27th October, 1953.

O R D E R.

Adjourned till tomorrow when cross-examination
of Maulana Akhtar Ali Khan will be continued.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

27th October, 1953.

28th October 1953.

44th sitting.

Presents:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Hon'ble Mr. Justice K. R. Kayani.

Member.

.....

Mr. Fazal Ishaq, Advocate, assisted by Mr. Ijaz Ali
for the Punjab Government.

Mr. Yaqoob Ali Khan, Advocate, assisted by Malik
Abdul Aziz, Advocate, for Mr. Daultana.

Mr. Asadullah Khan, Advocate, assisted by Messrs.
Ghulam Murtaza and Abdur Rahman Khadim, Advocates,
for Sadr Anjuman-i-Ahmadiyya Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-Ahrar.

Mr. Fatch Muhammad Aziz, Advocate, for Ahmadiyya
Anjuman-i-Isha'at-i-Islam.

Mr. Nazir Ahmad, Advocate, for the Jama'at-i-Islami.

Mr. H.S. Suhrawardy, Advocate, for the Majlis-i-Amal.

Statement of Maulana Akhtar Ali Khan, Witness No. 25,
continued, on S.A:-

Cross-examination by Mr. Fazal Ishaq, Advocate, resumed:

The "Zamindar" had since long been writing against
the Ahmadiyya tenets, but organised movement against
Ahmadiyyat started with the formation of the All-Muslim
Parties Convention in Lahore in July 1952. It is correct
that the movement was originally set on foot by the Ahrar
and it was only after some Ahrar had been arrested that they

thought of associating other parties with them over this issue. I discussed the question of application of section 144 with the Chief Minister. I told him that it was not right to apply section 144 to meetings or assemblies held inside the mosques. He agreed with me and Government withdrew the prosecution of certain Ahrar who had contravened section 144 by making speeches in mosques. I also mentioned this view to the Prime Minister of Pakistan and he also agreed with me.

To Court:

Q. Is it not correct that the prosecutions were withdrawn because the Ahrar leaders undertook not to preach violence and hatred?

A. That also is true.

To Counsel contd.-

Q. Did you ask the Chief Minister of Mir Nur Ahmad for a sum of Rs. 10,000/- ?

A. No.

Q. Is it correct that you were paid by the Director of Public Relations a sum of Rs. 10,000/- on 2nd or 3rd July 1952?

A. Government used to publish some advertisements in the "Zamindar", the aggregate payment for which came to Rs. 2,000/- or Rs. 2,500/- per year. The sum of Rs. 10,000/- received by me was partly in payment of the arrears for advertisements and partly as an advance against future advertisements. The money was paid by the Director of Public Relations.

To Court:

Q. What was the largest amount that you ever received in this way before July 1952?

A. The registers of the "Zamindar" will show this.

I do not now recollect how much was paid to the "Zamindar" in this account before July 1952.

To Counsel, contd.-

Q. Were you paid another sum of Rs. 10,000/- on 5th July 1952?

A. I do not recollect, but it may be that another sum of Rs. 10,000/- was paid to me on the date mentioned.

All this must have been entered in our books of account, which can be sent for and inspected.

I was also paid another sum of Rs. 7,000/- in November 1952. This amount represented the price of a certain number of copies purchased by Government.

Q. Was the payment made to you on 5th July also the price of copies of the paper purchased by Government?

A. I cannot say anything unless my books of account are shown to me. Such matters were arranged by my manager with the Government.

If you are suggesting that such payments were made to me by the Chief Minister or by the Director of Public Relations with a view to my strengthening the anti-Ahmadiyya movement, you are completely mistaken. I never received any money direct from the Chief Minister or the Director of Public Relations. All payments were made in the office of the "Zamindar" to the manager or some other competent person. The payment was by cheques which used to be drawn in favour of the manager of the paper.

Q. Who is your manager?

A. Mauladad Qureshi.

I identify the signature of Mauladad Qureshi on Ex.D.B.129 (copy placed on record).

Q. When you were paid Rs. 10,000/- in July 1952, the payment represented subscription for the newspaper which was to be sent to certain addresses for one year. How is it then that according to Ex.D.B.129, before the year of subscription had expired you received

another sum of Rs. 7,000/-?

A. The Manager should answer this question.

Q. Does Ex.D.B.130 bear the signature of Mauladad Qureshi?

A. Yes.

Q. Were these receipts included as income in the income-tax account of the newspaper?

A. The Manager should know this.

The income-tax paid by the 'Zamindar' last year was Rs. 60,000/-.

Q. How much did your newspaper receive from the Director of Public Relations for the financial year 1952-53?

A. I do not know. The matter should be within the knowledge of the Manager.

Q. I put it to you that the amount received was Rs. 24,000/-. Is it correct?

A. I do not know.

It is not correct that to defend the Ahrar who had been arrested, a defence committee was constituted at a meeting held in the office of the Zamindar on 18th July 1952. It is not true that to the members who were present in that meeting I held out an assurance that the Ahrar would be released within a week. It is, however, true that I was making efforts to get the Ahrar prisoners released.

My object in acting in their interest was to induce them to join the Muslim League. From the conduct of the Ahrar I got the impression that the Ahrar, if their prisoners were released, would join the Muslim League. In fact the Ahrar had assured me of their co-operation with the leadership of the Provincial Muslim League. The Chief Minister of the Punjab and the Prime Minister of Pakistan had both assured me that if the agitation were carried on in a constitutional manner, their sympathies would be with the movement. As a result of my negotiations, the Ahrar prisoners were released and the orders under section 144, Cr.P.C. withdrawn on 21st July 1952. The 'Zamindar' was a vehement supporter of the three demands. After the release of the Ahrar prisoners the movement gained further momentum and public meetings began to be held in all important places in the Province. In my interview with the Prime Minister in August 1952 I had mentioned to him that Ch. Muhammad Zafarullah Khan was actively propagating his peculiar tenets while abroad as representative of Pakistan. The Prime Minister had told me that he would prevent all such activities and make an announcement on the next Independence Day.

Q. Is the leading article in the 'Zamindar' of 21st November 1952, Ex.D.E. 131, by you?

A. Yes. The view taken by the representatives of the Government in the Constituent Assembly was that all sectarian propaganda must be stopped with firmness. In the leading article, Ex.D.E. 131, I commented upon this view.

I appealed to the public to contribute a sum of rupees one crore for the furtherance of the movement. This money was intended to be spent on counter-propaganda against the Ahmadiyya tenets.

Q. Did you make an appeal for the enrolment of 50,000 volunteers in your speech reported in the 'Zamindar' of 4th November 1952, Ex.D.E. 132?

A. Yes.

Q. Did you in your paper of the 11th September 1952 comment adversely on the Independence Day speech of Khawaja Nazim-ud-Din in which he described as disruptionist such papers as engaged in fanning the Khata-i-Nabuwwat movement?

A. Yes. The passage in question is Ex.D.E. 133.

Q. Did you in September 1952 lead a deputation of the P.N.P.E.C. before the Minister for Commerce represen-

ing to him the difficulties of the press in getting news-print?

A. Yes. He told us that the Government would very soon announce its policy and that those difficulties would be removed. Thereafter the 'Zamindar' and other papers got further quotas of paper.

It was rightly announced in the 'Zamindar' of 4th September 1952 that a deputation of the Majlis-i-Amal would wait on the Chief Minister at noon that day and that thereafter a meeting of the Majlis would be held at 4 o'clock to decide upon our talks with him.

Q. Is this, Ex. D.E. 134, the report of a speech made by the Chief Minister on 29th August at the Hazuri Bagh?

A. Yes, but I was not present to hear the speech.

Q. Was a meeting of the Majlis-i-Amal held on 8th September and in that meeting a programme of conferences to be held in the province decided upon?

A. Yes. The report of that meeting, Ex.D.E. 135, is published in the 'Zamindar' of 10th September 1952.

Q. Who is Zafar Ahmad Usmani?

A. I do not know of any such man.

Q. Did you give a letter of recommendation to Qamar

Ahmad Usmani for the Director of Public Relations?

A. I do not remember.

I do not know whether Zafar Ahmad Usmani was a member of the Majlis-i-Amal. If it is so reported in my paper, the news must be correct.

Q. Look at Ex.D.E.136. Is this the letter that you gave to Qamar Ahmad Usmani?

A. Yes.

(Note:- In the letter Qamar Ahmad Usmani is described to be the son of Maulana Zafar Ahmad Usmani, President Jamiat-ul-Ulema-i-Islam. Maulana Daud Ghaznavi states that no person bearing the name of Zafar Ahmad Usmani was ever President of Jamiat-ul-Ulema-i-Islam.)

Q. Were A.R. Shibli, Ashraf Ata and Zafar Bhsani members of the Zamindar Staff?

A. Yes.

Q. Did they write articles in support of the Khata-i-Nabrawat movement?

A. Yes, because this was the policy of the paper.

I do not know whether they were also being paid by the office of the Director of Public Relations.

In our interviews with the Chief Minister he repeatedly

told us that the acceptance or rejection of the demands was a matter within the Central sphere and that instead of running up to hi, we should go to Khawaja Nazir-ud-Din and impress upon him the acceptance of the demands. He also said that so far as he himself was concerned, he had the same belief as the other Muslims. The Chief Minister, Punjab, repeatedly told us that he was in full sympathy with the demands and that in this matter he had gone to the extent that he could.

Q. Did you have any talk with Shibli?

A. No.

Q. Did you not tell him that Mian Mumtaz Muhammad Daultana appreciated the continuance of the anti-Ahmadiyya agitation, that he wanted the movement to be pursued vigorously and that he wanted it to be directed against the Centre because if it involved the Province, his own position would be jeopardised?

A. No.

Q. Did Master Taj-ud-Din Ansari write to you the letter

Ex. D.E. 137?

A. No.

Q. Was your paper stopped on 2nd March, 1953?

A. Yes.

Q. Was a fresh declaration granted on the following day to "Asar", which in substance was a continuation of the "Zamindar"?

A. I was in jail. How should I know it?

Cross-examination by Maulana Daud Qaznavi, Member, Majlis-i-Amal:

Q. You were a member of the Majlis-i-Amal. Can you say that there were two groups in the Majlis, one being of the view that the demands should be pushed only within constitutional limits and the other which was for exceeding constitutional limits?

A. There was no such difference of view. Everyone was anxious to keep the movement constitutional limits. This was made clear in the several speeches made by the members of the Majlis-i-Amal at public meetings.

Q. If there was no order under section 144 in force in Karachi when decision to send batches of five volunteers each to the residence of the Governor-General and the Prime Minister of Pakistan was taken, will you consider the action taken to be within constitutional limits?

A. Most certainly.

The words "Barah-i-Rast Iqdar" in the resolution relating to Kashmir could also mean that we were no longer to

negotiate through the United Nations Organization and were to resume direct negotiations with India. In the same way, "Hast Idam" as used in the resolution of the Majlis-i-Amal could mean that people, without intervention of the Majlis-i-Amal, should directly present their demands to the Governor-General and the Prime Minister.

I was not present at the Convention held on 13th July in the Barkat Ali Muhammadan Hall; nor was I present at the meeting of the conveners of that Convention.

To Court:

Q. Who formed the Da'ee Committee?

A. Yourself (Maulana Daud Ghaznavi).

To Maulana Daud Ghaznavi, contd. -

The invitation to the Convention by the Da'ee Committee is Ex.D.E.138.

Cross-examination by Mr. Nazir Ahmad Khan, Advocate, on behalf of Jama'at-i-Islami:-

The "Zaminder" had the largest circulation in the Province. It was an unqualified supporters of the Muslim League Policy.

Q. Did the Central or the Provincial Muslim League ever warn you against the articles which you started writing in support of the movement?

A. Never.

Q. Did Government, Central or Provincial, ever give you any warning?

A. No.

Q. Did the Central or the Provincial Government ever attempt to contradict or clarify anything that you were writing in your paper?

A. No.

Q. Were the leaders of the Muslim League entirely in favour of the demands and the manner in which they were being pressed?

A. Yes.

As far as I could judge every officer whom I happened to see was also a supporter of the demands and the manner in which those demands were being put forward.

Q. If the movement was to be carried within constitutional limits, how did the disorders in Lahore come about?

(Note: The witness states the factors which in his opinion brought about the disturbances. These are merely an expression of opinion on the part of the witness and as such are inadmissible.)

Q. Did any of the officers you happen to meet before 2nd March ever disapprove of what you were writing in your paper?

A. No.

Cross-examination by Mr. Yaqub Ali Khan, Advocate,
on behalf of Mian Mustaz Muhammad Khan Daultana:

Since 1907 the "Zamindar" has consistently been against the Ahmadis on the doctrine of Khata-i-Nabuwwat. My father, Maulana Zafar Ali Khan, was always opposed to the Ahmadiyya tenets and he publicly expressed his opinion in the "Zamindar". An anti-Ahmadiyya movement was started in united India in 1907. This movement originated with my father Maulana Zafar Ali Khan. I, of course, have always shared the views of my father on this issue. The "Zamindar" protested against the appointment of Chaudhri Muhammad Zafarullah Khan to the Central Cabinet in 1934 and my father made speeches at public meetings expressing the same view. The press of the "Zamindar" was forfeited in 1934 on account of anti-Ahmadiyya activities. I have advocated this movement with all sincerity. It is wholly incorrect to suggest that I joined the movement at the bidding of somebody else. I consider that the declarations made by the Ahmadis in their written statement before this Court and as published in the papers in May 1953 have closed the controversy and the Ahmadis can no longer be considered to be outside the pale of Islam. If the movement against the Ahmadis is now revived, I will certainly not join it;

but during the progress of the movement if anyone had asked me to desist from it, I would not have done so.

Q. When were you elected President of the Pakistan Newspaper Editors Conference?

A. In 1952.

This Conference was the only organisation of newspaper editors recognised by Government. The Government was, of course, always anxious to maintain a friendly liaison between itself and the newspapers. As President of the Newspaper Editors Conference I acted as an intermediary between the newspapers and the Government. Khawaja Nazim-ud-Din was mortally afraid of any propaganda that might be started against the Government in newspapers. I often used to meet the Prime Minister in connection with matters concerning the Press.

I only once met the Chief Minister in connection with the movement and that was, as I have already said, in July or August 1952. During our talk with the Chief Minister he never expressly stated that he supported the demands or that he agreed with them. I was committed to jail on 2nd March and it was about 3 or 4 weeks after this that I was taken out by the Military Officers. I was put in a truck and taken to the Mess of 6 Lancers in the Cantonment.

We reached the Mess at about 12.30 o'clock. I was made to sit in a room and I heard some cries in the adjoining rooms which appeared to those of a man or men who were being beaten. At 3 o'clock a sentry came to me and told me that I appeared to be a gentleman and if I had committed any theft it was better for me to speak, or otherwise, he said, I would be treated in the same way as men in the adjoining rooms were being dealt with. I asked the sentinel for a musalla for prayers but he said that it was not available. I, therefore, spread my own shervani and said my prayers. At 4 o'clock, tea was served to me with cake and pastry in a manner befitting my position. From this room, I was taken to the Mess Room of 6 Lancers and was produced before Col. Nawaz, Adjutant Habib Ahmad and one or two other Military Officers. They started interrogating me at 8 o'clock in the evening and continued till 10 o'clock on the following morning. I was not allowed to sleep. They interrogated me in turns. At 11 o'clock, the interrogation ceased and I noticed a sudden change in the attitude of the Military Officers. They became more courteous and civil. During the interrogation, their behaviour had been very rude and threatening. The clear impression that I received from their behaviour

was that they wanted me to say something, true or false, against Mr. Daultana.

To Court: -

Q. Did the attitude of the Military Officers change at 11 o'clock, because earlier you had made a statement which they desired?

A. Yes. My statement appeared to satisfy them. But whatever statement I made to the Military Officers during the night was true. This statement was signed by me. The Military Officers were insisting on my writing out my own statement, but, since I suffered from tremor, I told them that they could write out my statement and take down my signature. Accordingly, my statement was written out by them and I signed it at about 11 o'clock.

I do not know how much time it took them to write out my statement. They were writing out something during the night as well as in the morning. I do not know whether my statement was being taken down as it was being made. It is true that part of the statement they originally wrote out was torn off. I had not read the statement before I signed it. I do not remember the number of pages to which my statement extended. I was detained in the Mess for

about four days.

I was again called to the Mess from the jail about a week before the Martial Law was lifted. I was again interrogated by Col. Nawaz. On this occasion, the treatment of the Military Officers was quite courteous. On the second occasion Col. Nawaz himself came to jail and wished to interrogate me. A jail official insisted on being present at the interview, but Col. Nawaz would not agree it. The official withdrew and I was taken to the Mess. Colonel Nawaz asked me to write out an application to the effect that, because there was not case against me, I should be tried by a Military Court and acquitted. Accordingly, I wrote out an application, saying that Col. Nawaz considered me to be innocent and that, therefore, I should be tried and acquitted. This application was taken away by Col. Nawaz but he returned to the jail on the following day and asked me that I should strike out his name from the application. Accordingly, an application was written out by Col. Nawaz in Urdu and I signed it. Translation of that application is Ext. D.E./15.

Q. Why were you kept for four days after your statement had been made when you were first brought to the Cantonment?

A. I cannot say, but nothing particular happened during these days.

It is not true that when I was tried by the Military Court I was told that I had earlier sent an application to Major General Muhammad Azam and that my statement before the Military Court should be in accordance with that application.

Q. During the trial were you shown any application?

A. No, so far as I remember.

Q. Were you shown the statement that you had made when you were first brought to the Cantonment?

A. No.

When I was produced before the Military Court I expected an acquittal because Colonel Nawaz had told me that I was completely innocent. The atmosphere in which my statement was recorded by the Military Officers was terrifying; there were soldiers standing round me with bayonets and I was alone without any advisor or friend. I also knew what the military wanted me to say and what in fact the truth was, and it is quite possible that something that I said might have been said because of the feeling that the officers wanted me to say something

against Mr. Daultana. When I was questioned by this

Court about my previous statement, I stuck to it because of the apprehension that if I went against it I would be prosecuted.

To Mr. Fazal Ilahi, Advocate, on behalf of Punjab Govt.:-

Q. Please read your statement before the Military Court and point out if any portions therein have either been wrongly recorded or are not true?

A. The portion side-lined with blue pencil, namely, —
"I used to visit regularly Mian Muhammad Muntaz Daultana at his residence at intervals of a week or so. During these visits he told me that the Muslim League had passed a resolution accepting the demands, i.e. Ahmadis should be declared as a minority and Chaudhri Sir Zafarullah Khan be removed from the Ministry. During this course of discussion Mian Muhammad Muntaz Daultana told me that he wants that this movement should be started" —

is not true. The rest of the statement is true.

To Court:

Q. Why do you call yourself "Maulana"?

A. Because my father Maulana Zafar Ali Khan is called "Maulana".

Q. Why do not you grow a beard?

A. Because one should grow a beard so long as one's hair

is black and shave when it becomes grey.

Q. Do you know of any Maulana who does not grow a beard?

A. Maulana Ghulam Rasul Mehr.

Q. What is the authority for growing a beard?

A. The Sunnah.

Q. How many prophets have appeared so far?

A. I do not know.

Q. Do you believe that there have been so far, according to a Hadith reported in Mishkat, 1,24,000 prophets?

A. It may be so.

Q. Which prophets have been specifically referred to in the Qur'an?

A. The Ulama should know it.

Q. What is Zaboor?

A. I have never heard this word. The Ulama should know.

Q. Who was Nabi-Ullah?

A. This also the Ulama should answer.

R.O. & A.C.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

28th October 1953.

(Page 360 blank)

30th September 1953.

24th sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice,

President.

Hon'ble Mr. Justice M. R. Kayani,

Member.

Ch. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, assisted by Malik Abdul Aziz and Raja Said Akbar, Advocates, for Mian Mumtaz Muhammad Khan Daultana.

Sh. Bashir Ahmad, Advocate, assisted by Ch. Asadullah Khan, Ch. Ghulam Murtaga and Mr. Abdur Rahman Khadim, Advocates, for Sadar Anjuman Ahmadiyya, Rabwah.

Ch. Nazir Ahmad Khan and Mr. Ghias Muhammad, Advocates, for Jamn'at-i-Islami.

Mr. Patch Muhammad Aziz, Advocate, for Ahmadiyya Anjuman-i-Isha'at-i-Islam.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. Siraj-ud-Din Munir, in person.

Witness No. 26 (called by the Majlis-i-Ahrar)

Mr. C.E. Gibbon, Honorary Secretary, Pakistan Red Cross Society, Lahore, on oath:-

Q. In the beginning of March 1953 did you receive a ✓
telephonic communication that a jeep, bearing the Red
Cross mark, was engaged in shooting people indiscriminately
during the disturbances?

A. Yes, I received a telephonic call on the afternoon of 6th March, 1953, from a person, who refused to disclose his identity at the time, that a vehicle, not necessarily a jeep, bearing the Red Cross sign, was seen proceeding down the Fane Road, from which persons were firing. I immediately sent my Assistant Secretary and a party to Fane Road to find out if this information was correct. They entered the compounds of a number of persons living on Fane Road who said that they had not seen this vehicle, but had heard about it. I then made inquiries from the officer-on-duty of the A.P.P., i.e., whoever was on duty at the time, and he told me that he had also received a report that a vehicle, bearing the Red Cross sign, was seen not only on Fane Road but even on the Mail Road, and that the occupants appeared to be in possession of fire-arms. All this took place between 3 and 6 in the afternoon of the 6th March. At about 6.30 p.m. I received another telephone call, giving me the number of the vehicle, which at that time was seen approaching the Ravi Bridge, and the number of the vehicle was P.J.L-1366. Again the person did not disclose his identity, although we requested him to do so. However, now, acting on this information, I went across to the Civil Lines Police Station and there

I met Mr. Habib Ullah Khan, who was on duty. I reported the matter to Mr. Habib Ullah Khan and told him that this was what I had been informed. I also told him another thing, and that is, that on the afternoon of the 4th and 5th and the morning of the 6th I noticed a number of persons bearing Red Cross armlets when they were assisting us in bringing injured persons to the Mayo Hospital. I asked him to please help us not only in sending for or tracing this vehicle and in putting a stop to the misuse of the Red Cross emblem, but also to assist us in preventing unauthorised persons from wearing the Red Cross armlets, excepting those who were the authorised Red Cross workers. Mr. Habib Ullah Khan promised to help me and asked me to please submit my complaint in writing to him there and then. I went back to the office and submitted the complaint. Exhibit D.E.24 is a copy of the report that I addressed to Mr. Habib Ullah Khan.

That same afternoon Martial Law had been declared and Mr. Habib Ullah said to me that I should only give him the number of our vehicles and that as regards the misuse of Red Cross emblem I should report that matter to the Military authorities. At 10 or 11 o'clock at night I went to the

military authorities on Montgomery Road. They advised me that I should lodge this complaint with the police who were in a better position to trace down this vehicle than the army authorities were. At the same time when I was coming from the military authorities, I found standing outside the gate of the Military Permit Office a vehicle bearing No. P.J.L. 4778. I immediately took hold of the driver of that vehicle and handed him over to the officer who was responsible for issuing permit-passes and the driver was made to sit down in a corner of the officer's office.

To Court:

Q. Why?

A. Because he was flying a flag which was carrying an emblem of the Red Cross. The emblem of the Red Cross in this case was not affixed to the vehicle. He had a ibanda sticking out in front and on that ibanda was the emblem of the Red Cross. The next day, in the afternoon I reported the matter to Mr. Habib Ullah. Exhibit D.E./25 is the letter that I addressed to Mr. Habib Ullah.

Q. Did that driver give you any explanation at that time?

A. No.

Q. When did you come to know that the vehicle PJJ - 1366 was that of Lt. Col. S.M. Shafi? ✓

A. Before writing this letter to Mr. Haidib Ullah, to be pretty sure of what I was writing, I personally went down to the Registration authority and I saw the registration book. In that registration book, vehicle No. PJJ - 1366 was shown as Morris Motor Car and it was shown registered in the name of Lt. Col. S.M. Shafi, care of Lloyds Bank, Lahore. In the case of the heavy truck No. PJJ - 4773, no trace of the vehicle could be found in the registration book, although there was an old entry there and I first made that entry in this letter but later on I cut it out because I was not sure of it. ✓

Q. What was the original entry that had been cut out in the registration book?

A. It was Talib Hussain son of Karim Bakhsh, Multan Road, Lahore.

Q. Had that been cut in the register also?

A. Yes, that had been cut in the register also?

They heavy truck, that is, No. PJJ-4773 was not shown as a truck in the register.

Q. What was the entry that you actually saw in the register?

A. Talib Hussain son of Karim Bakhsh, Multan Road, Lahore.
The register contained no description of the vehicle as a truck. It was not a military truck but a passenger lorry.

The driver of the lorry No. PJJ-4773 was in possession of a curfew pass issued by the military authorities.

On the 8th of March I reported the matter in more detail to the Chief Administrator, Martial Law. That report is Ex.D.E./26 and in this report I gave the number of another vehicle PJJ-1373. This was the third vehicle as reported to us on the night of the 7th. On the road which goes out from the Veterinary College in front of the S.S.P's office this vehicle was supposed to be carrying an emblem of the Red Cross. This report was made to us when I was on my rounds by one of the military pickets that he had seen this vehicle. He also reported this to his Officer Commanding. In this report I gave the numbers of three vehicles.

Q. In whose name was the third vehicle registered?

A. I do not know.

Q. What happened subsequently.

A. Nothing happened untill the 22nd of May 1953, when we got a letter (Ex.D.E./27) from Mr. Abdul Hamid Bajwa of the C.I.D. Punjab, in which he said that inquiries showed that PJJ.1366, which was registered in the name of

Lt. Col. S.M. Shafi, was not a motor car but a motor cycle and No. P.JL-4773 was likewise a motor cycle and not a heavy truck and it was registered in the name of Muntaz Ali Khan, resident of Civil Lines, Sheikhpura.

There was no mention about the third one. I never reported about the third one to Mr. Habib Ullah. On the 23rd of May I replied to that letter (Ex.D.E./23) that my inquiries showed that No. P.JL-1366 was a Morris Motor Car, Model 1949, and was registered in the name of Lt. Col. S.M. Shafi, O.C., C.M.H., Banm. In respect of No. P.JL-4773, the possibility was that a false number plate might have been used, for, on Saturday, the 7th March, 1953, a bus, bearing No. P.JL-4773, was seen by me outside the gate of the Military Permit Issue Office on Montgomery Road, Lahore. The driver of the vehicle was then and there handed over to the Permit-Issuing Officer.

And on 24th September I received a letter (Ex.D.E./29) from the Deputy Inspector-General of Police, G.I.D., Punjab, in which he said that inquiries showed that No. P.JL-4773 was a motor cycle and belonged to one Muntaz Ali of Civil Lines, Sheikhpura. As regards P.JL-1366, the

matter had been taken up with Lt. Col. S.M. Shafi,
and the result would be intimated to me in due
course.

Cross-examination:- Nil.

R.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

30th September 1953.

ORDER.

Ghazi Siraj-ud-Din Munir, has included, inter alia, His Excellency the Governor-General of Pakistan, Khawaja Nazim-ud-Din, the former Premier of Pakistan, the Iranian Ambassador in Pakistan, the Egyptian Ambassador in Pakistan, Ch. Muhammad Zafarullah Khan, Foreign Minister of Pakistan, Mirza Bashir-ud-Din Mahmud Ahmad, head of the Ahmadiyya community, the Advocate-General of Pakistan Army, Mr. I.I. Chundrigar and Sardar Abdur Rab Nishtar, the former Governors of the Punjab, Mr. Fazl-ul-Rahman, ex-Minister of Pakistan Government, Mr. A.K. Fazl-ul-Haw and Mr. Nur-ul-Amin, Chief Minister of East Pakistan, in the list of witnesses. The party was himself in jail during the disturbances and there is no allegation by anybody that he or any one of his followers took part in the disturbances. It

is, therefore, unnecessary to keep him a party
to the proceedings. His name is struck out from
the list of parties, but the written statement
filed by him will be taken into consideration at
the time of writing the report.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

30th September, 1953.

Witness No. 27 (Called by Ahrar)

Sardar Khan s/o Muhammad Khan, Ihata Ilam-ud-Din Butt,
Ferozepur Road, Near Miraj Building, Lahore, on S.A:-

On Friday the 6th March, a procession was coming from the
Ichhra side towards Mozang. I also joined the procession.
When we came to the turning near the High Court, we saw
three or four military tanks. The military in the tanks
asked us to stop. At this stage we saw a jeep driving on the
Mall from the Government House side. That jeep contained
three or four men in military uniform. They at once raised
their weapons and fired at us. One man was killed and some
others injured. I do not know the names of these persons.
We attempted to pick up the dead man, but the military who
were in the tanks, seized the body from us and took it away.

To Court:

Q. Did the military who were in the tanks, also fire?

A. No. The firing was only from the jeep.

Q. What is your occupation?

A. I am a labourer.

Q. Were you employed anywhere in those days?

A. Yes. I used to work at Rehmanpura with masons.

Q. Did you work on Friday the 6th March?

A. Not. It was a holiday.

Q. Did you work there on 5th?

A. Yes.

Cross-examination: Nil.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

30th September 1953.

Witness No. 28 (Called by Ahrar)

Muhammad Sharif s/o Pir Bakhsh, Sitara Boot House,
Beacon Road, Lahore, on S.A.-

My residential house is in old Anarkali.

Between 3 and 4 p.m. on 5th March 1953, I saw a jeep come from the Tollinton Market side. It contained three or four men in military uniform. There were some people collected in groups near the Market and the men in the jeep began to fire at them. The firing continued right up to the place where the Wall crosses the Anarkali street. No one was killed or wounded, and there were only three rounds fired. The jeep bore the registered No. PJI-1366.

To Court:

Q. Was the number-plate a new plate?

A. I cannot say.

Q. Was there any military near by?

A. No.

Q. Do you know if the military also fired in that place

on the 5th or the 6th?

A. Not that I know of.

I did not see any Red Cross mark on that jeep.

Cross-examination:- Nil.

R.O. & A.C.

Sd/- M. Munir,
President,

30th September 1953.

Sd/- M. R. Koyani,
Member,

Witness No. 29 (Called by Ahrar)

Abdur Rahman s/o Muhammad Hayat, Kashmiri, Muhalla
Charhawi, Main Bazar, Mozang, Lahore, on S.A.-

On 6th March I was returning from the Golden Mosque
after saying my prayers and was near the place where the Hall
Road crosses the Mall. I heard the sound of firing from the
High Court side. I came to the place from where the sound
of firing had come and saw some military tanks going round
the triangular space where there used to be the statue
of Lord Lawrence. A crowd was coming from the Pane Road
side and the men in the military tanks were asking that crowd
to disperse. I got up on the roof of Fazal Din Building
and saw the tanks go towards the General Post Office. There
were some friends with me on the roof, and they suggested
that since the tanks had gone away, we should come down.
Accordingly, we came down. Just then we saw a jeep come,

driving on the Mall, from Government House side. It had three men. One of these men raised his sten gun and began to fire at some men who had collected on the road to the east of the High Court. One of the men had lain himself along the wall but a military officer came up, and when the man looked up, the officer fired the sten gun at him. Just then we saw a Red Cross lorry come, pick up the dead man and take him away. This lorry also had come from the same direction as the jeep. The only occupant of the lorry was the man who was driving.

To Court:

Q. Can you give the identity of the man who was wounded?

A. No.

Q. Did the military also fire at this place on 5th or 6th?

A. Not that I know of.

Cross-examination:- Nil.

R.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

30th September 1963.

Witness No. 30 (Called by Ahrrer)

Khurshid Ahmad s/o Feroze Din, Ahain, Qila Murad
Bakhsh, Mozang, Lahore, on S.A:-

On 6th March it was 3-45 p.m. when I was coming on
the Hall Road after having said my Friday prayer in Wazir
Khan Mosque. I saw a jeep drive on the Mall from the
Post Office side. There were three men in that jeep, and
they started firing at a crowd which had collected near
the High Court. Five men were killed as a result of
the firing. I do not know their names.

To Court:

Q. What happened to these dead?

A. They were picked up by a Red Cross Lorry and taken away.

Q. Please recite duer-i-qaneet?

A. (The witness says that he has heard of it for the
first time.)

Cross-examination:- Nil.

R.O. & A.C.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

30th September 1953.

At this stage Mr. Mazhar Ali Azhar is required to
state whether he is in a position to prove by evidence
that the men who fired from the jeep were Ahmadis, or
that the jeep or the truck belonged to an Ahmadi. He
states that the only evidence in proof of this is that of
Mr. Gibbon. In view of this, we consider it wholly
unnecessary to examine Nazir Ahmad, Muhammad Shafi, Mian
Zia-ud-Din, Abdul Majid, Bashir, Qamar Din and Bakhtiar
Ahmad, witnesses cited by the Ahrar, and Abdul Majid
and Din Muhammad, witnesses cited by the Majlis-i-Amal.
Mr. Gibbon has already been examined as to this incident,
and we intend to examine Major General Muhammad Azam Khan
subsequently.

Let summonses issue to witnesses relating to Chowk
Dalgaran incident for 2nd October 1953.

Proceedings adjourned till tomorrow.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

30th September 1953.

1st October 1953.

25th sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Hon'ble Mr. Justice M. R. Kayani.

Member.

Ch. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Bashir Ahmad, Advocate, assisted by Ch. Asadullah Khan, Ch. Ghulam Murtaza, & Ch. Abdur Rahman Khadim for Sadr Anjuman Ahmadiya Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-Ahrar.

Ch. Fateh Muhammad Aziz, Advocate, for the Ahmadiya Anjuman-i-Isha'at-i-Islam.

Ch. Yaqub Ali Khan Advocate, assisted by Malik Abdul Aziz and Raja Said Akbar, Advocates, for Mian Muntaz Muhammad Khan Daultana.

Ch. Nazir Ahmad Khan, Advocate, assisted by Sh. Ghias Muhammad, Advocate, for Jazmat-i-Islami.

Maulana Daud Ghaznavi, Member, Majlis-i-Amal.

Witness No. 31 (called by Ahrar)

Master Taj-ud-Din, now a prisoner in the Central Jail, Lahore, on solemn affirmation:-

I saw Khawaja Nazim-ud-Din several times in connection with the demands in respect of the Ahmadis. I met him as a representative of the Majlis-i-Amal. I first met him on 13th August 1952 in Karachi. With me were Maulana Abul

Hasanat Muhammad Ahmad, Maulana Murtaza Ahmad Khan Maikash, Sheikh Hissam-ud-Din, Maulana Ehtisham-ul-Haq Thanvi and Maulana Abdul Haamid Badayuni. We presented a written memorandum stating our grievances against the Ahmadis and our demands in respect of them. The demands in respect of Ahmadis were:-

- (i) that the Ahmadis be declared a minority;
- (ii) that Sir Zafarullah Khan be removed from the office of Foreign Minister; and
- (iii) that the Ahmadis be removed from the key-posts in the State.

Khawaja Nazim-ud-Din said that he was busy in some engagement for the following day, which was the Independence Day, and that he would not have enough time to discuss the matter in detail with us. We told him that the matter was urgent and represented the unanimous demand of the Muslim community and that we expected some reply from him. Khawaja Sahib said that he himself was a Muslim, that the Government was that of the Muslims, that we should wait and that the matter would receive his sympathetic consideration.

Maulana Abul Hasanat Muhammad Ahmad felt satisfied by this.

Khawaja Nazim-ud-Din said that he would again send for us two days later for full discussion. We then left.

We again saw Khawaja Nazim-ud-Din on 16th August. We had a free and frank discussion with him. He asked

us if we had read the communique issued by the Central Government. We said, we had read it, and also the statement of Ch. Muhammad Zafarullah Khan about it. We had a copy of Ch. Muhammad Zafarullah Khan's statement and we drew Khawaja Nazim-ud-Din's attention to it. Khawaja Nazim-ud-Din had a whispered talk with Sardar Abdur Rab Nishtar, Mr. Mushtaq Ahmad Gurmani and Mr. Fazlul Rahman who were present. We told Khawaja Nazim-ud-Din that the instructions issued in the communique by the Central Government had already been contravened by Ch. Muhammad Zafarullah Khan by his statement. We told him that the Cabinet had a collective responsibility and that the statement by Ch. Muhammad Zafarullah Khan should be considered as having been issued on behalf of the Cabinet. Khawaja Nazim-ud-Din said that we were not comprehending the implications of the communique and that it would produce effects satisfactory to us. We said that the communique had nothing to do with the demands that we had presented. He again said that we should wait for the results of the communique and that the demands would receive further and sympathetic consideration. We were to some extent satisfied by this. We drew attention of Khawaja Nazim-ud-Din to the talk

which he had had earlier with Maulana Akhtar Ali Khan in which he had assured the latter that the demands would be conceded by the 14th August and that his (Khawaja Nazim-ud-Din's) statement on the Independence Day did not contain the slightest reference to the demands regarding which he had promised to Maulana Akhtar Ali Khan to express an opinion on that day. His reply was that what he had mentioned to Maulana Akhtar Ali Khan was not meant for publication.

Our next visit to Khawaja Nazim-ud-Din was on 16th February 1963 in Lahore. On that occasion, there were with me Maulana Abul Hasanat Muhammad Ahmad, Maulana Akhtar Ali Khan, Hafiz Khadim Husain and Sayyed Muzaffar Ali Shah Shamsi. His attitude now was distinctly disappointing. He said that we did not know his difficulties. We pressed for a clear reply. He said that there was food shortage in the country, the Kashmir issue was still undecided and that the dispute with India relating to canals was still unsettled. We asked him what had these matters to do with the demands. He said that these were the real difficulties in the way of the acceptance of the demands. He said that Ch. Muhammad Zafarullah Khan's presence in the Cabinet

was essential to procure food from abroad as well as to obtain a decision of the Kashmir issue. We said that these two points really supported our demands. We told him that if Ch. Muhammad Zafarullah Khan had such influence that neither the Kashmir issue nor the question of food shortage could be solved without him, he would acquire such further control as would make him indispensable in future.

We again met Khawaja Nazim-ud-Din on 22nd February 1953 in Karachi. On that occasion, there were with me Maulana Abul Hasanat Muhammad Ahmad, Sayyed Muzaffar Ali Shah Shamsi, Maulana Abdul Haamid Badayuni and some others. He reiterated his previous view and we reminded him that the demands were the demands of the whole community of Muslims and that, as representative of the Muslim Government, he should concede the demands. He expressed his helplessness in the matter. All along we felt that some other dominant influence was working on Kh. Nazim-ud-Din.

Cross-examination by Maulana Daud Ghaznavi, member, Majlis-i-Ahrar:-

I was President of Majlis-i-Ahrar before its dissolution by Government. I am also a member of the Muslim League. Early in 1948, Majlis-i-Ahrar had decided to dissolve itself as a political party and gave its members

the liberty to join the Muslim League. Accordingly during the last elections to the Punjab Legislative Assembly we worked for the Muslim League candidates. The election meetings organised by us used to be attended by prominent members of the Muslim League, namely, the office-bearers of the Muslim League of the places where the meetings were held.

On the occasion of the visit of the Cabinet Mission to India in March 1946, a demand was made by the Ahrar and other Muslim Nationalist Parties for full Provincial Autonomy and equality in the Centre. This demand, however, was rejected by the Congress and thereupon after March, the working Committee of the Majlis-i-Ahrar passed a resolution withdrawing from the political field and leaving all the disputes with the Congress, to the Muslim League. In 1947, before the Partition, this resolution of the Working Committee was ratified at a meeting of the Council of the Majlis-i-Ahrar.

I was a member of the Punjab as well as the Central Majlis-i-Amal. At the time of the constitution of the Punjab Majlis-i-Amal I was not present and, therefore, cannot say who appointed that Majlis. I was nominated to the Majlis-i-Amal as representative of the Ahrar.

Q. Were the members of the Majlis-i-Amal unanimous to their demands in respect of the Ahmadis?

A. Yes.

There were some representatives of the Jama'at-i-Islami on the Majlis-i-Amal. One of them was Amin Ahsan Islahi, who was the Vice-President of the Majlis-i-Amal. I do not remember the representatives of the Jama'at-i-Islami having ever expressed any dissenting opinion on any matter that came up before the Majlis.

A deputation of the Majlis-i-Amal, Punjab, met the Chief Minister of the Province, probably on 30th September 1952. I was one of the members. Other members were Maulana Abul Hasanat Muhammad Ahmad, Maulana Akhtar Ali Khan, Maulana Murtaza Ahmad Khan Malkash and may be one or two other persons. We presented to him a written memorandum (Ex.D.E./22). The Majlis-i-Amal, Punjab, had decided to send a deputation to Karachi relating to the demands that were connected with the Central sphere and another deputation was to present the complaints of the general Musalmans against the Ahmadis, which had reference to the Provincial administration. Regarding our complaint about Rabwah, the Chief Minister said that he would have legal opinion in the matter.

Q. What did the Chief Minister say about the removal of railway material to Rabwah?

A. He said that he would have an inquiry made into the matter.

Q. What was his reply about the removal of gun-powder from licensed vendors in Chiniot to Rabwah?

A. The same.

On 16th, 17th and 18th January there were two meetings being held in Karachi: (1) the meeting of the Ulema to consider the report of the Basic Principles Committee; and (2) the All Pakistan Muslim Parties Convention to consider the issue of Ahmadiyyat. In Rabi-ul-Awwal 1952 a meeting of the Punjab Majlis-i-Amal was held in Lahore. This meeting was attended by Maulana Ehtisham-ul-Haq, Maulana Suleman Nadvi and Maulana Abdul Haamid Badayuni, who had come from Karachi. These three Ulema announced at the meeting that a convention of All Pakistan Muslim Parties would be held in Karachi from 16th to 18th January 1953.

Court:

Q. Were any formal invitations issued to anyone?

A. About ten days before this meeting of the Majlis-i-Amal, an invitation to individual Ulema had been received from Karachi announcing the holding of the convention in Karachi on the abovementioned dates.

Cross-examination contd.

The invitation to the convention was in the form

Ex.D.E./31. At the meeting of the convention on 18th January,

a resolution was passed that one month's ultimatum should be given to the Central Government to concede the demands, failing which the convention would start Direct Action (Rast Aqdam).

The meeting of the convention in which the resolution relating to Rast Aqdam was passed was held at the residence of Khan Bahadur Haji Maule Bakhsh, M.L.A., Sind, in the evening, but I am not sure about the exact time. At this meeting another resolution was passed appointing a Central Majlis-i-Amal.

It was resolved to have fifteen members on the Majlis, out of whom eight were elected on the spot, and the remaining seven were to be co-opted by the elected members. The elected members then and there decided to meet after Isha prayers in order to co-opt their colleagues. Accordingly a meeting of the Majlis was held after Isha prayers. The members who were elected were:-

- (1) Sayyed Ata Ullah Shah Bokhari,
- (2) Allama Hafiz Kifayat Husain,
- (3) Maulana Abul Ala Maudoodi,
- (4) Pir Sahib of Sarsina Sharif,
- (5) Maulana Muhammad Yusuf Sahib, Calcuttavi
- (6) Maulana Ehtisham-ul-Haq,
- (7) Maulana Abdul Hamid Badayuni, and
- (8) Maulana Abul Hasanat Muhammad Ahmad Qadri.

Maulana Abul Ala Maudoodi had agreed to act as one of the elected members.

The meeting of the Majlis after the Isha prayers was attended by four or five elected members. Maulana Abul Ala Maudoodi was not present as earlier at a dinner party he had expressed his inability to be present at the meeting that was to be held. This meeting of the Majlis-i-Amal co-opted the remaining seven members. They were:-

- (1) Pir Ghulam Mujaddad Sindhi,
- (2) Maulana Ismail, Gujranwala,
- (3) Sahibzada Faizul Hasan,
- (4) Maulana Akhtar Ali Khan,
- (5) Haji Amin Sarhaddi,
- (6) Maulana Nurul Hasan, and
- (7) myself.

The Majlis also appointed a deputation led by Maulana Abdul Haamid Badayuni that was to go to the Prime Minister to present the Rast Aqdam ultimatum. The members of that deputation were:-

- (1) Pir Abu Saleh Muhammad Ja'afar Sahib of Sarsina Sharif, East Bengal,
- (2) Sayyed Muzaffar Ali Shah Shamsi, and
- (3) myself.

Q. Was there anything said about Rast Aqdam at the meeting of the convention?

A. Yes, the decision to launch Rast Aqdam had been taken earlier at a session of the convention at which Maulana Abul Ala Maudoodi was himself present.

Q. Did he oppose that resolution?

A. It is not true that that resolution was opposed by Maulana Maud'udi. In fact, the proposal to appoint a Majlis-i-Amal was moved by the Maulana himself. That meeting of the convention was also held the same evening, i.e. the evening of 18th January.

The deputation appointed by the Majlis-i-Amal presented the ultimatum to the Prime Minister on 22nd January at his residence.

Court.

Q. Were the details of Rast Aqdam ever discussed and settled?

A. Yes, on 18th January, in the earlier meeting of the evening.

Court.

Q. What were the details?

A. (The witness now states that these details were left to be settled by the Majlis-i-Amal, and nothing was said about it in the meeting of 18th January.)

Cross-examination contd. -

A meeting of the Central Majlis-i-Amal was held in Lahore on 15th February 1953, i.e. a day before the Prime Minister was due to arrive. A full plan of how he was to be received was chalked out. That meeting was attended by a representative of the Jama'at-i-Islami. He was Maulana Nasrullah Khan Aziz. He expressed no difference with the decisions of the Majlis-i-Amal.

Q. Was any meeting of the Majlis-i-Amal held after the

expiry of the date of ultimatum?

A. Yes, a meeting was held on 26th February in Karachi. That meeting was also attended by a representative of the Jama'at-i-Islami, Maulana Sultan Ahmad, Amir of the Jama'at-i-Islami, Sind and Karachi. Even then the representative of Jama'at-i-Islami expressed no difference with the decisions or the intended action of the Majlis-i-Amal. Public meetings were daily held in Karachi on 24th, 25th and 26th February, the last having been held after Isha prayers. It was announced at the public meeting held on 26th February that from the following morning batches of five volunteers, displaying placards bearing the three demands, would march to the residences of the Governor-General and the Prime Minister.

Cross-examination by Mr. Bashir Ahmad, Advocate, on behalf of Sadar Anjuman-i-Ahmadiyya Rabwah:-

Q. Was "Azad" a party newspaper of the Ahrar?

A. Yes.

Q. Please look at the report in the "Azad" of 3rd July 1953, Ex.D.B./32, and say whether it is correct that the Ahrar had decided to call a convention of All Muslim Parties?

A. I do not accept it as correct.

Q. In Majlis-i-Ahrar, what was the position of Maulana Muhammad Ali Jullundhri, who is reported to have issued this statement?

A. He was the General Secretary of Majlis-i-Ahrar.

I was in prison when this report was published in the "Azad".

Court:

Q. When were you arrested?

A. On 29th or 30th June.

To Court:

I was released from prison on or about 28th July 1952. During the period of my imprisonment I continued to be the President of Majlis-i-Ahrar.

Cross-examination contd:-

Q. Were you the editor of the "Azad"?

A. Yes.

Q. Look at the editorial of the "Azad" dated 25th February 1953, under the heading "Direct Action" (Ex.D.E./33), and say whether you are the author of the article?

A. This article was not contributed by me. On the date of its publication I was in Karachi.

Court:

Q. Does this article have your approval?

A. It is a little too strongly worded.

Q. Look at the speech Ex.D.E./34 reported in the issue of the Azad dated 16th January 1953, page 1 and say whether you delivered this speech?

A. It does not correctly represent what I said. There are additions in it by the correspondent who reported the speech. I was touring when this speech was reported by the paper.

I did make the speech Ex.D.E./35 reported in the Azad of 6th February 1953.

Q. Did you make the speech Ex.D.E./36, reported in the issue of the Zamindar dated the 24th February 1953?

A. No. It does not truly represent what I said. There are additions and exaggerations in it.

Q. Did you attend the meeting of the Tahaffuz-i-Khatam-i-Nabuwat conference in Gujrat on 6th October 1952?

A. I did attend such a meeting in early winter of 1952.

Q. Did Sayyed Muzaffar Ali Shamsi also attend that meeting?

A. Yes.

Q. Is he a member of the Majlis-i-Ahrar?

A. No.

Q. Did Maulana Muzaffar Ali Shamsi at that meeting make the speech reported in the "Zamindar" of 9th November 1952?

A. I left after I had made my speech and do not know whether Maulana Shamsi made any such speech. During my presence he did not make any speech.

To Court:

Q. When did you join the Majlis-i-Ahrar?

A. In 1930. I was then in Ludhiana.

Q. What were you then doing?

A. I was then engaged in some business.

Q. What is your education?

A. I read up to Matriculation but did not appear in the examination.

Q. What is your religion education?

A. I received no special education in religion or theology.

Q. Were the three demands in respect of the Ahmadis, so far as the Ahrar are concerned, based on religion?

A. Yes. To us they had no political or temporal significance.

Q. Do you allow the right to take 'Rast Aqdam' to every citizen of Pakistan on grounds of religion?

A. No.

Q. If you do not give any such right to the individual, how does a class acquire that right, as for instance, the Ahrar?

A. The Jama'at acquired such right after the Ulama have given a Fatwa.

Q. Do you agree that in Islam an ordinary man after necessary study is as competent to have views in religious matters as the most scholarly Alim?

A. The principle, as I understand, is that only a Mufti can give a Fatwa.

Q. Will you have in Pakistan, as a necessary part of Government, an institution of Muftis to pronounce on all such matters?

A. Most certainly.

Q. Were you a member of the Congress?

A. Yes. I was a member of the Congress up to 1929.

I was the President of the District Congress Committee, Ludhiana.

Q. Were your religious convictions the same as today?

A. Yes.

Q. Were you also in the Khilafat Movement?

A. Yes.

Q. When did the Khilafat Movement stop in India?

A. In 1923. This was after the Turks had declared their country to be a secular State.

Q. If you are told that the Khilafat Movement continued long after the Turks had abolished Khilafat, will that be correct?

A. As far as I remember, the Khilafat Movement finished with the abolition of the Khilafat by the Turks.

Q. You are reported to have been a member of the Khilafat Movement right up to 1928 and having made speeches. Is it correct?

A. It could not be correct.

Q. Was the Congress interested in Khilafat?

A. Yes.

Q. Was Khilafat with you a matter of religious conviction or just a political movement?

A. It was purely a religious movement.

Q. Did the Khilafat Movement have the support of Mr. Gandhi?

A. Yes.

Q. What was the object of the Khilafat Movement?

A. The Britisher was injuring the Khilafat institution in Turkey and the Mussalman was aggrieved by this attitude of the Britisher.

Q. Was not the object of the movement to resuscitate the Khilafat among the Mussalmans?

A. No.

Q. Is Khilafat with you a necessary part of Muslim form of Government?

A. Yes.

Q. Are you, therefore, in favour of having a Khilafat in Pakistan?

A. Yes.

Q. Can there be more than one Khalifa of the Muslims?

A. No.

Q. Will the Khalifa of Pakistan be the Khalifa of all the Muslims of the world?

A. He should be but cannot be.

Q. Why did you leave the Congress?

A. Because the rights of the Muslims were not safe with the Congress.

Q. When were you converted to the idea of Pakistan?

A. When the Congress rejected the demands of the Muslims in 1946.

Q. Were you in favour of an Islamic State so long as you were a member of the Congress?

A. No. Pakistan then with an Islamic form of Government was beyond my conception.

Q. Who gave us the idea of Pakistan?

A. Allama Iqbal.

Q. When did he first express this view?

A. I do not exactly remember the date when Allama Iqbal

first gave the idea of Pakistan, but I know that it was long before the Partition. The Quaid-i-Azam adopted that idea.

Q. Have you ever felt any difference between the Quaid-i-Azam's conception of Pakistan and that of Allama Iqbal?

A. I see no difference between their conceptions.

Q. Did the Quaid-i-Azam ever say in any public speech of his that he wanted Pakistan to have a purely Islamic form of Government?

A. He did not say so in so many words. (Again said) Quaid-i-Azam did say that he intended to found the State on the basis of the Holy Quran.

Q. Do you know that Allama Iqbal presented the idea of a state based on the conception of millat while the idea that the Quaid-i-Azam gave us was that of a national modern State?

A. No.

Q. Did Quaid-i-Azam ever mention Islamic socialism?

A. Yes, he did say something to that effect.

Q. What position will you give to non-Muslims in Pakistan if the form of Government is purely Islamic?

A. The non-Muslims will have definite rights in the Islamic constitution. The rights of the minorities will be precisely the same as those of the Muslims.

Q. Do you know that a Muslim throughout his life is pitted against kuffr?

Q. Why are you called "Master"?

A. I am called a "Master", because I was managing a hosiery factory.

Q. Were the Ahrar a party of Nationalist Muslims?

A. Yes.

Q. Did they have the same ideology as the Congress?

A. Yes.

Q. Was the Jamiat-ul-Uloma-i-Hind also a body of nationalist Muslims?

A. Yes.

Q. Could, in your opinion, a Mussalman lead the life of Mussalman in the future constitution as envisaged by the Ahrar and the Congress?

A. Yes.

Q. Do you still have the same opinion?

A. No.

Q. Was watan the predominant factor in the congress and Ahrar ideology?

A. Yes.

Q. Did you share this view with the Congress?

A. Yes;

Q. Can you have the same ideology for the subjects of Pakistan as you had when you were associated with the Congress?

A. No.

Q. Do you think that a Muslim in a foreign country can lead his life consistently with his religion and at the same time be a faithful subject of the State?

A. Yes.

Q. Have you read the address of Allama Iqbal in Allahabad?

A. I do not remember.

Q. Do you remember having come across any writing by Allama Iqbal in which, while discussing the ideological aspect of an Islamic State, he has discussed the position of non-Muslims in the State?

A. No.

Q. Do you agree that in Islam watanivvat and millet have two different conceptions?

A. Yes.

Q. Did the Quaid-i-Azam ever express any opinion on this question?

A. I do not remember.

Q. I put it to you that the Quaid-i-Azam had a clear conception of Pakistan nationalism in which non-Muslims were included. Do you agree?

A. His conception was that of millat.

Q. Then why have you changed your creed?

A. People do change their opinion.

Q. Did the Ahrar support the demand for Pakistan?

A. No.

Q. What was their view about the Quaid-i-Azam?

A. To the Ahrar the Quaid-i-Azam was a communalist,

Q. As much a communalist as a Hindu Mahasabहित?

A. The only difference is that the Hindu communalist cannot tolerate a non-Hindu in a State, while the Quaid-i-Azam intended to assign a definite position to non-Muslims in Pakistan.

Q. Did the Ahrar describe the Quaid-i-Azam as Kafir-i-Azam?

A. I have heard that Maulana Mazhar Ali Azhar gave this epithet to the Quaid-i-Azam.

Q. Have you heard the couplet:

"Ek kafira ko waste Islam ko chhota
Yeh Qaid-i-Azam hai keh hai kafir-i-Azam."

A. I have heard this couplet and it is attributed to
Maulana Mazhar Ali Azhar.

Q. When did you hear this?

A. I first heard it in the elections of 1945.

Q. Was Qaid-i-Azam described as Mr. Zinah in some
of the meetings organised by the Ahrar?

A. I never heard it.

Q. I put it to you that a High Court Judge himself
heard these words in one of the meetings?

A. I will still deny this imputation.

Q. Did the Ahrar call the conception of Pakistan
as "Paloodistan"?

A. As far back as 1939, a conference of Ahrar was
addressed by Ch. Afzal Haq, a leader of the Ahrar.
In that conference he said Pakistan was the voice
of grieved hearts and, therefore, it was not to be
opposed. He, however, added that if the country
was to be meant only for the few capitalists and
there was no place in it for the poor, it would be
"paloodistan" and not Pakistan.

Q. Have you read the presidential address of Ch. Afzal Haq delivered at a public meeting at Kasur on 1st December 1941?

A. Yes.

Q. Did Ch. Afzal Haq in that address describe Pakistan as "Pleedistan" without any qualification?

A. No.

Q. Is 'Khutabat-i-Ahrar' a book of the Ahrar?

A. Yes.

Q. Did Maulana Muhammad Ali Jallunduri use the same expression, namely, "Pleedistan" about Pakistan, in a speech delivered at Sargodha?

A. I do not remember.

Q. Do you remember that in August 1948, a meeting of the Ahrar was held in village Bhullar in Sheikhupura district?

A. I do not know if any such meeting was held. I, in any case, did not attend it.

Q. It is alleged that in the aforesaid meeting held in August 1948, Sahibzada Faiz-ul-Hasan, a prominent member of the Ahrar, said in the course of a speech that "Eazrat" Quaid-i-Azam was responsible for the massacre of the Muslims and the humiliation to which

Muslim women had been subjected in the East Punjab on Partition?

A. I do not remember.

Q. Did you attend a meeting of Young Men's Conference at Amritsar in April 1928?

A. I do not remember.

Q. It is alleged that in that meeting you moved a resolution appealing to Hindus, Muslims and Sikhs to consider religion as a personal affair and join the Naujawan Bharat Sabha?

A. I do not remember.

Q. Were you the supporter of the Nehru Report?

A. Yes.

Q. What was Allama Iqbal's view about that report?

A. He was against it.

Q. Do you now follow the ideology expounded in the Nehru Report or the ideology of Allama Iqbal?

A. I am now a believer in the ideology of Allama Iqbal.

Q. Do you know anything about the Ludhiana Swadeshi Parcharak Sabha?

A. I do not know anything about such Sabha.

Q. Were you the Director of any company?

A. No.

Q. Do you know Dr. Nemat Khan of Nadhan in the Kangra District?

A. I cannot recall any such doctor.

Q. It is alleged that this doctor Nemat Khan prosecuted you under sections 408 and 420 of the Penal Code, alleging that by becoming a Director of a fraudulent loan company you had cheated people of several lacs of rupees?

A. Yes, there was such a case, but it was withdrawn.

Q. It is said that the case was compounded but not withdrawn?

A. The case was not compounded but it was withdrawn.

Q. Do you remember having made a speech that the dispute between the Unionist Party and the Muslim League was due to to the selfish motives of the Quaid-i-Azam?

A. I made no such speech.

Q. Did you make any speech in Jamia Mosque, Gujranwala, for which you were prosecuted?

A. Yes.

Q. What was the tenor of that speech? Was it purely religious or did it have a political tinge?

A. I do not remember the exact purport of that speech. I had also made a speech at Sargodha for which I was prosecuted, convicted and sentenced to six months' imprisonment.

Q. Can you re-call the date of that speech?

A. It was a Friday in the month of Ramzan. I do not remember the exact date.

Q. When were you released from prison?

A. On 29th July 1952.

Q. Were you released on any conditions?

A. No.

Q. It is said that you then promised that you would not raise the issue in which you subsequently indulged and it was on that condition that Government remitted your sentence?

A. It is wholly wrong.

Q. Did you see any statement issued by some Ahrar just before or after your release?

A. I never saw any such statement.

Q. Were any other Ahrar prosecuted for having made objectionable speeches in mosques?

A. Yes, they were Sheikh Hissam-ul-Din and Sahibzada Faiz-ul-Hasan. The speeches for which we were prosecuted were delivered at very short intervals of each other.

Q. Were Sahibzada Faiz-ul-Hasan and Sheikh Hissam-ul-Din also released?

A. Yes. They were released on the same day that I was released.

Q. Do you know why Government decided to release you?

A. Because we had been wrongly arrested.

- Q. When did the Turks abolish the Khilafat?
- A. Shortly after the conclusion of the First war.
- Q. If that is so, then the Khilafat must have been abolished by the Turks some time in 1920 or 1921. You are supposed to have presided at a Khilafat Committee meeting in Ludhiana in November 1937?
- A. I do not know if the Khilafat movement continued as late as that.
- Q. Do you remember the case relating to the embezzlement of Khilafat funds?
- A. Yes, I remember such a case, but I cannot give you the exact details.
- Q. Was there any conflict between the Congress and the Khilafat ideology?
- A. The latter was purely a religious movement, but it had the support of the Congress.
- Q. Is it true that the aim of the Khilafat movement was to resuscitate the institution of Khilafat which had been abolished by the Turks?
- A. Yes.
- Q. Have you ever thought why the Turks found it necessary to abolish Khilafat?

A. Because the Turks had a series of bad Khilafas,

Q. Is there any Ahrar party in India now?

A. No.

(At this stage a question is put to Mr. Mazhar Ali Mazhar, namely:-

Q. Do you still believe that the Qaid-i-Azam was
Kafir-i-Azam? ✓

A. Yes. If some contradiction had come from the
Qaid-i-Azam of the reasons for which I described
him as Kafir-i-Azam, I would have most humbly
apologized.)

Statement of the witness contd. -

To Courts

Q. Will you be bound by the statement of the Secretary
of your Jama'at, Sheikh Hissam-ud-Din?

A. It depends upon whether the statement is correct or
not.

Q. He made a statement upon his imprisonment last
February that, in order to prevent the division of
the land, even as late as 1947 the Ahrar put
forth a joint formula to the Congress, but that

the situation went out of control and Patel succeeded in winning over the Sikhs by promising them a separate State?

A. This is not what happened.

Q. Were there any Fatwas by the Ulema of India that Muslims Indian soldiers could fight against Turks and Arabs?

A. Yes. There were such decrees, but these were obtained by the British from the pro-British Ulema.

Q. Do you know that the Arabs fought with Turks?

A. Yes.

Q. What is your judgement from the religious point of view as to this fight?

A. The Ulema should answer this question.

(The witness having mentioned something to the effect that the present dissensions were the result of the Objectives Resolution, the Court puts the following question to the witness:-)

Q. Do your demands in respect of the Ahmadis follow from the Objectives Resolution?

A. Yes.

At the suggestion of Mr. Nazir Ahmad Khan, Advocate:-

Q. What was the attitude of the Ahmadis regarding the Indian Muslim soldiers who fought under the British against the Arabs in Iraq and Turkey?

A. Such fighting was perfectly in accord with the convictions of the Ahmadis.

Cross-examination by Mr. Fazal Ilahi on behalf of the Punjab Government:-

I opposed a Muslim League candidate in the elections of 1946.

Q. Is it not a fact that after the year 1948 you made some speeches on the occasion of Tabligh conferences for which you were thrice warned?

A. Yes.

Q. Did any other party join you in denunciation of Ahmadis before June 1952?

A. The other parties were working on these lines separately from us. Maulana Abdul Haamid Badayuni should be aware of the activities of other parties.

- Q. When you came out of the Jail in July 1952, were you told that any conditions had been agreed to between the Ahrar party and the Government?
- A. No.
- Q. Was the phrase used in the original resolution at the convention, or the meeting of the Majlis-i-Azad in Karachi "East Aqdam" or "Barah-i-East aqdam"?
- A. The phrase used was "East aqdam".
- Q. Was a meeting of the Majlis-i-Azad held in Lahore on 28th June and did you in that meeting describe the resolution passed in Karachi as "Barah-i-East Aqdam" and not "East Aqdam"?
- A. No, I did not do so.
- Q. I read to you the report from the "Zamindar" and the "Azad" dated 28th January, in which the phrase used on your authority is "Barah-i-East Aqdam". Is it correct?
- A. There must have been a mistake.
- (The witness volunteers and says)

Doctor Nemat Khan who prosecuted me under
sections 408 and 420 of the Penal Code is a Mirzai.

Sd/- M. Minir.

President.

Sd/- M. B. Kayani.

Member.

1st October 1953.

Statement of the witness to be continued
tomorrow.

Sd/- M. Minir.

President.

Sd/- M. B. Kayani.

Member.

1st October 1953.

2nd October 1953.

26th sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President,

Hon'ble Mr. Justice M.H. Kayani.

Member,

.....

Ch. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Bashir Ahmad, Advocate, assisted by Ch. Asadulla Khan, Ch. Ghulam Murtaza and Ch. Abdur Rahman Khadim for Sadr Anjuman Ahmadiyya Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-Ahrar.

Ch. Yaqub Ali Khan, Advocate, assisted by Malik Abdul Aziz Advocate, for Mian Murtaz Muhammad Khan Daultana.

Ch. Nazir Ahmad Khan, Advocate, assisted by Sh. Ghias Muhammad, Advocate, for Jama'at-i-Islami.

Maulana Daud Ghaznavi, Member, Majlis-i-Ahli.

Statement of Master Taj-ud-Din, Witness No. 31,

(Called by the Ahrar), continued on S.A. -

Cross-examination by Mr. Fazal Ilahi, on behalf of the Punjab Government, resumed:-

The object of the East Aqdam was that if the Ministry was not to accept the three demands in respect of the Ahmadis, it should resign. The object was not that conditions should be created which should compel the Ministry to resign

under duress.

- Q. Then what did you mean by making an appeal for enrolment of 50,000 volunteers, under the pledge that they would be prepared to make every sacrifice, including sacrifice of their lives?
- A. This number of volunteers was recruited to enable ten volunteers a day to offer themselves for arrest so that the series of arrests should continue indefinitely.
- Q. I draw your attention to some of the speeches of "Zo'ma-i-Millat" made in a public meeting in Rawalpindi on 6th February, 1953, to the effect that thousands of Muslims were prepared to lay down their lives for "Hannos-i-Rasul" and that the true meaning of Khata-i-Nabuwat would be understood by the Government when numerous people would hang on the gallows. Were any speeches made and do they not indicate incitement to violence?
- A. I was not present at the meeting in which these speeches are supposed to have been made.
- Q. Do these speeches represent your own views?

A. (Witness has taken a long time to ponder over the question and to find a reply to it. After some hesitation he states:-)

To a certain extent these speeches indicate my own views.

(When the witness was asked to indicate the extent to which these speeches coincide with his own views, he said:)

They are fully representatives of my own views.

Q. If you received the impression that by refusing to concede the demands, Khawaja Nazim-ud-Din had sided with the Ahmadis, would you then consider that to support such Government was Haram?

A. This question should be answered by the Ulama.

Court:

Q. What are your means of livelihood?

A. I am the editor of the "Azad".

Cross-examination, contd. -

Q. Look at the couplet included in a poem published in the "Azad" of 9th November 1952 (Ex.D.H./32) to the effect that if Government was indifferent, as it had been, in the matter, peace would disappear from the country

and that there would murder and plunder in the land.
Did this represent your own views?

A. No. This poem might have been published in my
paper without my having seen it.

Q. Was a public meeting for 1st February 1953, at
Lahore, organized after your return from Karachi
with the resolutions passed there by the convention
and the Central Majlis-i-Amal?

A. Yes.

Q. Did you at that meeting make the speech reported
in the "Zamindar" of 3rd February 1953 (ax.D.2/40)
containing, inter alia, the following passages:-

(i) that a dog had fallen into the water and that
the water required purification; and

(ii) that the people would die over the issue of
Khatm-i-Nabuwat?

A. I might have said the latter thing but not the
former.

Q. But this speech is also reported in your own paper?

A. It must have been wrongly reported.

Q. Were District Direct Action Committees organized
by the Majlis-i-Amal?

A. Yes.

Q. Was an instruction issued to them that the moment the movement began, arrangements should be made for dissolving the Majlis-i-Amal and appointing dictators from among the shrrar?

A. No.

Some time in February Mian Anwar Ali asked me to see the Chief Minister of the Punjab. I said the Chief Minister was thoroughly unreliable and that I was not prepared to meet him.

Q. Were you in touch with Mr. Nur Ahmad, Director, Public Relations?

A. I used to go to him whenever he served a notice on my paper.

Q. Did you see him in connection with this movement?

A. No.

Cross-examination by Mr. Nazir Ahmad Khan,

Advocate, on behalf of the Jama'at-i-Islami:-

Q. Was a record made of the proceedings of the Majlis-i-Amal Punjab?

A. Yes.

Q. Who prepared this record?

A. Sometimes Sayyed Muzaffar Ali Shamsi and sometimes Maulana Daud Ghaznavi.

Q. Who has that record?

A. It should be in the possession of relations of Maulana Abul Hasanat.

Q. Is it not true that the representatives of the Jama'at-i-Islami were pressing before the Majlis-i-Amal that the agitation should be carried on on constitutional lines? ✓

A. This was the general view of us all.

Q. Is it a fact that in the public meeting held on 1st February 1953, Maulana Abul Hasanat criticised Maulana Abul Ala Maudoodi for his efforts to divert the movement into constitutional channels?

A. No.

Q. Look at the proceedings of the public meeting in the "Zamindar" of 3rd February 1953, and say whether it is rightly stated there or not that in the course of the speech Maulana Abul Hasanat

criticised Maulana Abul Ala Maudoodi's conduct
in the Majlis-i-Amal, Karachi, in the following

terms:-

”مولانا محمد آحمد نے جماعت اسلامی کے امیر مولانا مودودی پر
نقطہ چینی کرتے ہوئے کہا کہ جب کراچی میں علما کی کنونشن
منعقد ہوئی اور اسمین شمولیت کرنے کے لئے مودودی صاحب بھی
مشرف لے گئے تو انہوں نے اپنی تجویز میں صاف طور پر کہہ
دیا کہ ہم آئین کے فورم کو بگاڑنے کے حق میں نہیں -
مگر چند شقوں میں تبدیلی کرنے کے حق میں ہیں -“

A. Yes, but the reference here is to what transpired
at the convention of the Ulama who considered
the Basic Principles Committee's Report.

Q. Is it a fact that Maulana Abul Ala Maudoodi joined
in none of the deputations that waited on the
Prime Minister from time to time?

A. Yes, that is correct.

Q. What are the public feelings regarding Babwah?

A. They are very much agitated about it. They consider
Babwah to be the exclusive fortress of Ahmadis.

Q. How was the speech of Ch. Muhammad Zafarullah Khan in Jehangir Park, Karachi, received by the general Muslims?

A. They were very much offended by it.

To Court:-

Q. Please reproduce the passages from that speech which were specially resented by the Muslims?

A. The purport of the speech was that the live Islam was the Islam of Ahmadis and not of the other Muslims.

Q. Do you know anything about Allama Iqbal's view about the doctrine of Khatm-i-Nabuwat?

A. Yes.

Q. What is his theory? Please explain how Allama Iqbal considers it necessary for prophethood to cease with a view to the subsequent evolution of human society?

A. (The witness again said) I have not carefully read Iqbal's view on Khatm-i-Nabuwat.

Q. Do you think that, upto a certain stage, for the evolution of human society revelation is necessary and the necessity for such revelation ceases.

after a time?

A. Yes, there is no need for a prophet when the din becomes complete.

Q. Had revelation anything to do with reason?

A. (The witness does not give an answer to the question).

Cross-examination continued:-

Q. Was it within your knowledge that certain copies of certain letters, alleged to have been written by Ch. Muhammad Zafarullah Khan, were published in the "Zamindar"? What was the re-action of the Muslims with regard to it?

A. Yes, I saw some of the letters having been reproduced in the "Zamindar". The general Muslims did not like his activities abroad.

To Court:-

Q. Was Chaudhri Muhammad Zafarullah Khan, to your knowledge, the Foreign Minister of Pakistan on the dates of these letters?

A. No, I do not know whether or not he then held the office of Foreign Minister of Pakistan.

Cross-examination continued:-

Q. With regard to the settlement of the Kashmir question, settlement of canal water dispute with India and our

pressed in a constitutional manner?

A. Yes.

Q. What was that constitutional method?

A. The constitutional method was, if an Ahmadi stood up for election to any legislature, he should not be given any vote on the ground that he was not a Muslim.

Q. Please consider over the question and say whether there was any constitutional method for pressing the demands in respect of the Ahmadis? Do you understand what constitutional method means?

A. The other constitutional method was to bring pressure to bear upon the Government, the report of the Basic Principles Committee not having declared the Ahmadis to be non-Muslims.

Q. Is there any board of the Ulama attached to the Constituent Assembly?

A. There is no board attached to the Constituent Assembly, but there is another board of Ulama to advise the framers of the constitution on its religious aspect.

Q. If the demands of a class are not accepted by Government, will that class, according to you, be entitled to take direct action against Government?

A. Yes. If that class fails in having its demands accepted, it will have the right to take direct action.

Q. Did the Ulama who met at the Conference held at Lahore on 13th July represent the views of their own communities?

A. Yes.

Q. Do you know if any one of these Ulama had brought express

authority from his followers on the question?

A. I do not know whether they brought any such authority. They should have done so.

Q. Did you read the first speech of the Quaid-i-Azam delivered before the Constituent Assembly on the establishment of Pakistan?

A. I do not remember what he said on that occasion.

Q. If we tell you that that speech is the charter of liberty and freedom of religion and conscience and full rights of citizenship for every subject of Pakistan, will you still stick to the position that you have adopted before us?

A. If the Ulama said that anything said in that speech does not coincide with our religion, I shall follow the Ulama rather than the Quaid-i-Azam.

Q. Did the Quaid-i-Azam in that speech draw any distinction between a Muslim and other civics rights are concerned?

A. I do not know what that speech was. I shall be able to answer this question if I read it.

Q. Please say what was the conception of Muslim nationalism when the Ahrar were siding with the Congress before the Partition?

A. The essence of Muslim nationalism was that religion with the subject of a State was his private affair and a Muslim could be as good a citizen of India as a non-Muslim.

Q. Who was the first person to oppose this conception so far as the Muslims are concerned?

A. The Quaid-i-Azam.

Q. What was the view of Allama Iqbal in the matter?

A. He was also against this conception of nationalism.

Q. Do you know anything about Iqbal and Nehru controversy?

A. Yes.

Q. Please state the subject which was in controversy between them?

A. Nehru emphasized watan, but Allama Iqbal emphasized religion.

Q. Then there was a clear conflict between the ideology of the Ahrar and that of Allama Iqbal?

A. Yes.

Q. Why did the Ahrar then change their ideology?

A. So long as we were with the Congress we were a political party, but when Pakistan was about to come into existence we converted ourselves into a religious party.

Q. When the Ahrar were siding with the Congress, did they believe, as a part of their religion, that they could be good subjects in an undivided country.

A. Yes.

Q. Do you still have that religious view?

A. No.

Q. What about the Ulama-i-Hind?

A. How can I express any opinion about the Ulama-i-Hind?

Q. Not even when you know that their ideology is wholly opposed to the ideology which you wish to press upon Pakistan?

A. No, it is a matter for those Ulama and not for me.

Q. Are you a religious leader?

A. Yes.

Q. What do you think about Maulana Azad's view on the question which we are considering?

A. I have not read Azad's works and I cannot say anything about his views.

Q. Do you know what Azad's ideology is?

A. He is a Congressite.

Q. Would you like to have the same ideology for the four crores of Muslims in India as you are impressing upon the Muslims of Pakistan?

A. That ideology will not let them remain in India for one minute.

Q. Does the ideology of a Muslim change from place to place and from time to time?

A. No.

Q. Then why should not the Muslims of India have the same ideology as you have?

A. They should answer that question.

Q. Was there any work for the Ahrar to be done for the Muslims in India after the Partition?

A. There was no work left for the Ahrar in India.

Q. Do you subordinate your religion to your politics?

A. No. One may change one's politics but not one's religion.

Q. Why do you call yourselves 'Ahrar'?

- A. Ahrar is the plural of "Hur" which means a person who seeks freedom..

XXp. by Mr. Bashir Ahmad, Advocate, for Sadr Spillman-
1-Ahmediyya Bahwah:-

- Q. Did you make the speech Ex.D.5/41 at Multan published in the 'Isad' of 26th December, 1950?

- A.. Yes.. This correctly represents what I said.

XXp. by Ch. Yaqub Ali Khan, Advocate, for Mr. Daultana:-

- Q. How many times did you see Mr. Daultana?

- A. - Only once.

- Q. You were a member of the Majlis-i-Amal. Did any meeting of the Majlis-i-Amal ever take place at the residence of Mr. Daultana?

- A.. No..

- Q.. Did Mr. Daultana encourage this movement in any way?

- A. No.

Mr. Daultana never said that he was forwarding our demands to the Centre and that meanwhile we should abstain from lawlessness..

- Q.. Do you remember that a deputation of the Majlis-i-Ahrar waited on Mr. Daultana and assured him that they would see that no lawlessness took place in the Punjab and that, therefore, the Ahrar, who had already been arrested, should be released?

- A. I know nothing of that kind.

Q. You have said you are a member of the Muslim League.

Which section of the League you are member of?

A. Of the Primary League.

Q. Did you attend any meeting of the Muslim League?

A. Several meetings which were openly held.

Q. Did you attend any exclusive meeting of the League?

A. No.

Q. Is it a fact that you started the Tabligh Movement in 1947 which still continues?

A. Yes.

Q. How many non-Muslims did you convert during this period?

A. There were several conversions but I do not know the details. By conversion I mean apostates from Ahmadiyyat.

Q. Did the Ahrar party pass a resolution when they decided to support the Muslim League?

A. Yes.

The policy to support the League had been decided upon in 1948. This decision was not the result of any pact between the Ahrar and the League.

Q. Is it a fact that six Ahmadis were nominated by the Provincial Muslim League for elections in 1951 and that you opposed them and that they were all defeated?

A. Yes.

Q. Did you see Mr. Daultana in February 1953?

A. That was the only occasion when I met him. I now remember that in fact I met him twice, first in September when the memorandum in respect of the Ahmadis was presented and subsequently in February 1953. This second meeting had not been arranged by Mr. Anwar Ali. In my second meeting with him, Mr. Daultana said that we should try to remain peaceful.

Q. Is it correct that before the 26th February 1953 it had been decided by a resolution by the Majlis-i-Amal that if the demands were not acceded to, Khawaja Nazim-ud-Din was to be forced to resign and the Ahmadis to be boycotted?

A. No.

XXn. by Ghazi Siraj-ud-Din Khan with permission of the Court:-

Q. Is it a fact that I was arrested on 26th June 1953 and the Ahrar leaders were arrested on the following day?

A. Yes, that is correct.

Q. Is it correct that on 26th June, in the office of the Daily Azad, a conference was held between certain Ahrar leaders, including yourself, and myself and it was decided that all the parties should take a common stand on this issue?

A. Yes.

Q. A Government spokesman once mentioned to me that the Government was not doing anything against me but that the Ahrar were describing me as a "khabti". Did the Ahrar say so?

A. So far as the Ahrar are concerned, they never considered you to be a "khabti". Therefore it must have been Government's propaganda.

Q. Did you, together with Sh. Hissam-ul-Din, Sahibzada Faiz-ul-Hassan and Mirza Janbaz, come to see me in jail on 1st October 1952?

A. Yes.

Q. Did I then complain to you that the Government was maltreating me?

A. Yes. You said that you were being slowly poisoned by the Government and that we should publish this news outside.

Sd/- M. Munir.
President.

R.O. & A.C.

Sd/- M. R. Kayani.
Member.

2nd October 1953.

Adjourned till tomorrow.

Sd/- M. Munir.
President.

Sd/- M. R. Kayani.
Member.

2nd October 1953.

3rd October 1953.

27th sitting.

Present:

Hon'ble Mr. Justice Muhammad Anir,

Chief Justice.

President.

.....

Ch. Fazal Ilahi, Advocate, for the Punjab Government;

Ch. Yaqub Ali Khan, Advocate, assisted by Malik

Abdul Aziz, advocate, for Mian Murtaz Muhammad
Khan Daultana.

Ch. Nazir Ahmad Khan, Advocate, for Jama'at-i-Islami,

Ch. Asadullah Khan, assisted by Ch. Ghulam Murtaza,

advocate, for Sadr Anjuman Ahmediyya Bahwah,

with Sh. Bashir Ahmad, advocate.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-Ahrar.

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Witness No. 32 (called by Ahrar)

Muhammad Nazir s/o Mian Fazal Din, 58 Brandreth Road,
Lahore, CN S.A. --

The day was Wednesday and the time was between 12-30
and 1 o'clock. I have a turner's shop at 58 Brandreth
Road. This place is at a distance of 300 or 400 feet from
Dalgaran Mosque. A procession came from the side of
Chowk Dalgaran and was going towards the railway station.
The procession consisted of about 80 volunteers. From the
side of the railway station there came two officers in a
car. I do not know their names. These officers asked

the volunteers to stop. The volunteers complied with the order. They were asked to move to another road and sit down. Fifteen or twenty minutes later came a police posse and lathi-charged the volunteers. The volunteers laid themselves prostrate. They were then put into a truck, but some of them could not be accommodated in it. A little later came another police force. These policemen also lathi-charged the volunteers who again laid themselves down on the ground. The volunteers were then dragged to the road which goes to Chowk Dalgaran and laid on the ground in front of some trucks. They were asked to disperse and were told that if they did not do so, the trucks will pass over them.

One of the volunteers was an old man who had a hamail on his person. He was beaten by the Police with sticks. The volunteers rose and returned to their original place where they were tear-gassed.

Cross-examination:- Nil.

To Court:-

Q. Do you know Sayyed Hasanat Ahmad, Magistrate?

A. No,

Q. Was a Magistrate present when the volunteers were asked to disperse and tear-gassed?

A. There were some officers, but I do not know whether there was any Magistrate among them.

Q. Did you attend the public meeting held on that day outside Delhi Gate?

A. No.

B.O. & A.C.

Sd/- M. Amir.
President.

3rd October 1953.

Witness No. 33 (Called by Shrar)

Muhammad Hanif s/o Khan Muhammad Sadiq, 58, Brandreth Road, Lahore, on S.A. -

Muhammad Nazir, the previous witness, is my uncle and at the relevant time I was with him in our shop.

(Note:- The evidence of this witness is the same as that of the previous witness).

Out of the volunteers, there were eight or nine who had hamails on. One of them was an old man. This particular volunteer was dragged with the hamail on, to the road which goes to Chowk Dalgaran. He was laid down on the ground in front of a truck. One student was standing there who protested against this act of desecration because the hamail was being dragged on the ground with the volunteer. One of the officers, I do not know whether he was a police officer, kicked a small boy, who became unconscious.

Cross-examination:- Nil.

To Court:

Q. Did the volunteers have any uniforms?

A. No.

Q. Did they not have red uniforms?

A. No, they were all in plain clothes.

Q. Could you find out the particulars of the old man?

A. No.

Q. And of the boy who was beaten?

A. No. He was a wayfarer and had some books in his hand.

R.O. & A.C.

Sd/- M. Muir.
President.

3rd October 1953.

Witness No. 34 (Called by Shrar)

Sheikh Muhammad Bafiq s/o Sheikh Abdul Karim,
Proprietor, Muhammad Bafiq & Co., Brandreth Road, Lahore,
on S.A . -

I run a shop for manufacture of ball-bearings. The shop is at a distance of about 100 feet from Chowk Dalgaran. An old man was dragged in my presence. While being dragged, he was also being kicked by a police officer. I actually saw the harami go off the person of the old man and being kicked by the police officer. I also saw another boy being kicked and beaten by the police officer.

After the police officer had kicked the hawal some of the men standing near, shouted "la'nat" "la'nat" on the blasphemy of the police officer. I was one of those men. I was heard by another police officer and he directed another police officer to catch me. Accordingly that man came to me and asked me why I had uttered an abuse. I said I had merely protested against the desecration of the Holy Qur'an. Thereupon that man struck me across the face with his holster. Before I was struck the two persons whom I have already mentioned as having been injured together with certain other persons who bore injuries were put into trucks and driven away.

At the suggestion of Mr. Nazir Ahmad Khan, Advocate:

Q. What was the reaction of this incident on the general public?

A. People became indignant.

To Court:

Q. Did you attend the public meeting that was held outside Delhi Gate after this incident?

A. No.

The hawal of the old man was in a cover of cloth.

Q. Did you see the leaves of the hawal having been torn away?

A. No.

Q. Did you personally know anyone of the volunteers?

A. No. They appeared to be country people.

One of the officers who confronted the volunteers was a Magistrate.

Cross-examination: Nil.

B.O. & A.C.

Sd/- M. Munir,
President.

3rd October 1963.

Witness No. 35 (Called by Ahrar)

Sheikh Muhammad Sharif s/o Ghulam Haider, 63
Brandreth Road, Lahore, on S.I. -

My shop is near the place where the present incident occurred. I saw a batch of 60 or 70 volunteers come marching on the Brandreth Road. They had garlands on and were reciting the Kalima. The police was following them. The volunteers appeared to be men from the country.

after the volunteers had passed I saw the people come rushing towards my shop from the direction in which the procession had gone. Upon this I went to the place from where the people were running. I saw that there was a Magistrate who had divided the police into two parties. One party was lathi-charging the volunteers in a street, while the other party was pushing away people who were

in the Chowk. The volunteers were asked to disperse but they said they had come for arrest. I also saw Muhammad Rafiq being struck by a police officer with a holster, while one or two other men also were fisting him.

Cross-examination: Nil.

To Court:

Q. Did you see any batall there lying on the ground?

A. No.

Q. Did you hear anything about the desecration of the Holy Qur'an?

A. Yes.

Q. What did you hear?

A. I heard that the Holy Qur'an had been kicked by a police officer, and pushed into a drain.

Q. Did you attend the meeting that took place outside Delhi Gate after this incident?

A. No.

R.O.&.C.

3rd October 1953.

Sd/- M. Munir
President.

Witness No. 36 (Called by Ahrar)

Shama-ud-Din s/o B Rkat Ali, 63 Brandreth Road,

Lahore, on S.A.-

I also carry on my shop at 63 Brandreth Road.

Sheikh Muhammad Sharif is my neighbouring shopkeeper.

The time was midday when the present incident occurred.

I saw a procession come from the side of the railway station towards Chowk Dalgaran. The procession consisted of men from the Loco Shop. It stopped in the Dalgaran Chowk. There were no volunteers in the procession. Shortly after this came two or three police lorries which stopped behind the procession. The police force alighted from the vehicles and took positions, some with lathis and others with their firearms. The procession was asked to disperse. The procession, however, did not disperse and the processionists sat down. Thereupon the procession was lathi-charged by the police. The processionists again sat down and were teargassed. Then the police opened fire. The fire was a volley by the police and 14 or 15 men dropped wounded on the ground. The people then dispersed.

Cross-examination: Nil.

TO COURT:

Q. any particulars of the 14 or 15th men who were injured?

A. No.

Q. Did you also see a Magistrate on the spot?

A. I did not see any Magistrate.

Q. Who gave the order to fire?

A. I do not know. He must have been some police officer.

Q. How far exactly from the Dalgarao Mosque did this incident take place?

A. About 100 feet.

Q. Did you see Muhammad Nazir, Muhammad Hanif or Muhammad Sharif there?

A. Yes, I saw them there.

Q. What was the day of this incident?

A. The day was Thursday.

H.O.A.C.

3rd October 1953.

Sd/- M. Munir
President.

Witness No. 37 (called by the Ahrar):

Siraj Din son of Chiragh Din, Mohalla Guru Nanak
Pura, Street No. 9, Lyallpur, on 5.45-

I was one of the volunteers concerned in the
Chowk Dalgaran incident. The time was midday and the
date was 4th of March 1953. The day was Wednesday.
We were a batch of 100 volunteers. We were marching
and reciting Kalima. We were coming from the
Delhi Gate and intended to go to Meleod Road. We
were stopped near Chowk Dalgaran by the police.
There was a police officer with a goiter and of
short stature. He stopped us and diverted us into another
street. We were lathi-charged by the police. We laid
ourselves down. Lathi blows were showered on us but we
were still reciting the Kalima. We were also pushed
by the butt-ends of the guns by some policemen. I was
injured by a blow with a butt-end. We were then dragged
towards a place on the road where some trucks were standing.
among the volunteers there was an old man carrying
a Hamail. There were some other men also who had
Hamails on. The Hamail sent off the person of the

old man while he was being dragged. After this the police officer kicked at the Hamail but I cannot say whether he did so intentionally or accidentally. There was a stranger standing by and he shouted 'la'nat' on the police officer. The man who shouted 'la'nat' was also caught by the police and beaten. We were told that we were under arrest and were asked to sit in a truck. After we had been seated in the truck there came another police officer who said that we were to be dispersed and not put into the trucks. We were thereupon taken out of the trucks. We laid ourselves down on the ground and lathi blows were showered on us. One of the persons beaten was a boy who became unconscious. Similar was the case with another old man. The young boy died on the spot. I was so badly beaten that I did not expect to survive. We were then put into the trucks and driven away and lodged in jail. The dead boy and the unconscious old man were put in a separate jeep and taken away.

XXn. by Mr. Fazal Ilahi for the Punjab Government:-

The procession had set out from Masjid Nazir Khan. No members of the public accompanied us nor was there

any crowd in the Dalgaran Chowk. We laid ourselves on the ground because our commander ordered us to do so. The Hamail which dropped from the old man continued lying on the ground. I did not myself see the Hamail being thrown into the well.

To Court:-

Q. Do you know Maulana Abdus Sttar Niazi?

A. No.

Q. Were any persons making any speeches in Nazir Khan Mosque on that day?

A. We were inside the mosque but I did not hear any one make a speech in the mosque.

Q. What do you do?

A. I have a small hosiery shop.

Q. When did you come to Lahore?

A. On 2nd March.

Q. Who sent you?

A. The Majlis-i-Amal of Lyallpur.

Q. Who were the members of the Majlis-i-Amal of Lyallpur?

A. I do not know the name of any one of them.

Q. How many men were you?

A. About 100.

Q. Where did you stay for the night of 2nd?

A. In Masjid Wazir Khan.

Q. Who was organising the affairs in Masjid Wazir Khan?

A. I know nothing about it.

Q. What was the name of your commander?

A. Allah Bakha. He also belongs to Lyallpur.

We reached the mosque at about 11 on the night of 2nd and, therefore, did not hear any speech.

Q. Did you hear any speech next morning before you set out?

A. There were some speeches but I do not know who the speakers were.

We were ordered to march from Masjid Wazir Khan by our own commander.

Q. How many men from Lyallpur were among this procession?

A. I cannot say.

Q. Did you know any one of these men?

A. I knew none of them.

Q. Did you hear of Maulana Abdus Sattar Niazi in the Wazir Khan Mosque on the 3rd or the 4th?

A. No. I never heard his name.

Q. Do you know that the police officer whom you have described as having a goiter and of short stature

was murdered on that very evening inside or just

outside Masjid Wazir Khan?

A. We were arrested. I do not know what happened.

Q. When were you released?

A. That very day during the night.

Q. Where did you go after you were released?

A. We stopped for the night in a village mosque
and on the following morning we returned to Masjid
Wazir Khan.

Q. Did any other procession set out from Masjid Wazir
Khan on the day that you returned?

A. No.

Q. Did you offer yourself for medical examination?

A. There was a doctor in the mosque and I showed my
person to him.

Q. Please show the marks of injury on your person?

A. (The witness exposes his back but no mark is
to be found. In the course of his statement the
witness has been repeatedly saying that he bore
marks of injury.)

Q. Were you ever involved in case?

A. Never.

Q. How long did you stay in Masjid Wazir Khan after this?

A. For two days.

Q. Where did you go after this?

A. I left the mosque two days later and thereafter went to my uncle Muhammad Din's house in Shah Alami.

Q. Have you ever been a Khaksar?

A. No.

Q. When did you return to Iyallpur?

A. I did not pass the night at my uncle's house and left for Iyallpur the same day.

Q. What happened at Iyallpur?

A. I saw nothing. I engaged myself in my work.

Q. After your return to Iyallpur, were there any disturbances there?

A. The disturbances were over by the time I returned.

Q. Do you know whether there was any firing after you returned to Iyallpur?

A. No firing took place after my return. The firing had taken place a day or two earlier.

Q. When the police officer kicked the Hamail, did you see its leaves tear off?

A. I did not see any torn leaves but the Hamail was open. It was not in a cover. Originally the Hamail was in a cover but it had been partially uncovered when

it was kicked and one could see its leaves.

when we returned to the mosque we were ordered to stay inside the mosque and not to leave it.

R.O.&A.C.

3rd October 1953.

Sd/- M. Munir
PRESIDENT.

WITNESS NO. 38 (called by the Ahrar):

Sufi Warsi son of Sheikh Ala-ud-Din, Ram Gali No.7,
House No.58, Lahore, on S.4:-

It was Thursday of the first week of March and the time was just after zohr prayers. I was inside my house when I heard a row and the sound of firing. I came out and saw the body of a man, who was my neighbour, being brought to his house. I do not know his name. Ram Gali is just opposite Masjid Dalgeran. There was another man, I do not know whether he was dead or wounded, being taken on a charpoy.
To Court:-

Q. Who owns the house in which the dead man lived?

A. I do not know.

R.O.&A.C.

3rd October 1953.

Sd/- M. Munir
PRESIDENT.

WITNESS NO. 39 (called by the Ahrar):

Sayyed Muhammad Sharif son of Sayyed Shams-ud-Din, 15 years, Ram Gali No.7, House No.83, Lahore, on S.4:-

It was the first week of March but I do not remember whether it was Thursday or Friday. The time was about

1 o'clock. I was in my house when I heard gun reports. I saw a dead body being carried away in front of my house.

Ans:- Nil.

R.O.&A.C.

3rd October 1953.

Sd/- A. Munir
PRADESHI.

WITNESS NO. 40 (called by Court):

Sayyad Hasnat Ahmad, City Magistrate, Lahore, on S.A.:-

Q. Were you on duty when the Chowk Dalgaran incident took place on 4th March, 1953? ✓

A. I went to the spot after the police had arrived there.

When I went there I found a very big mob and a batch of 80 or 90 Hazakars.

Q. Were they in uniform?

A. They wore no uniform.

When I arrived there, they were being put into lorries.

There were two or three lorries in which the volunteers were put and all these vehicles were surrounded by a mob of two or three hundred persons. The mob was required to disperse but it did not do so. Just then we saw another mob coming from Kotwali side, numbering two or three thousand. This mob also was required to disperse and it similarly declined to do so. Thereupon a lathi charge was ordered. The two mobs got mixed up. I asked the mixed mob to disperse but as it did not do so, I ordered a lathi charge by the police. The number of

charging police men was 18 or 20. The mob retreated. At this stage the mob swelled as another bigger crowd joined it. When required to disperse, it started throwing stones at the police and the officers who were standing there. Some bricks were also thrown from the adjoining houses as well as from the mosque. Then we threw a tear gas bomb. The mob dispersed and we put the volunteers into the trucks and took them away.

Q. It is being alleged that in this incident a young boy

was killed and the Maml of an elderly volunteer kicked?

A. It is absolutely incorrect. No such thing happened and

I heard no allegation to this effect. ✓

Q. Who was the officer in charge of the police?

A. The Additional Superintendent of Police, but I do not know his name.

Q. Was the police regular police or constabulary police?

A. When I arrived at the spot, I had only regular police. Later on the Punjab Constabulary also arrived.

Q. Was any other mob dispersed under your orders or in your presence after the present incident?

A. Yes. I was present where mobs were dispersed in four or five places. One mob was dispersed on the night of the 4th near Lahari Gate and another on the same night near the Assembly Chamber. One mob was dispersed on the 5th near the police Kotwali and another on the Mall.

Q. On these occasions was the attitude of the mob violent?

A. Yes.

Q. Did the mob on any one of these occasions actually resort to violence?

A. I distinctly remember that the mob on the Mall on the 5th threw brickbats at the police and it was uttering vulgar abuses against the administration.

Q. Did you have any armed police or army with you on any one of these occasions?

A. On the night of the 4th March I was at the Kotwali Police Station when I received information from Police Station Lohari that a mob had collected there and was going to attack the police station. I, therefore, took a police force with me and went there. The mob was a very big one. It was asked to disperse but it did not do so. We resorted to lathi charge and the mob dispersed. On all the occasions mentioned

by me there was armed police with me but not the military.

Q. Did you resort to firing on any of these occasions?

A. On two occasions, once on the night of the 4th March outside Lohari Gate and then on the 5th March near the Assembly Chambers.

Q. What was your duty on the 6th?

A. I was required by my District Magistrate to stay in Civil Lines Police Station.

The mob near the Assembly Chamber was dispersed at about 11 or 12 p.m. on the night of 5th.

Q. Had you by that time received any instructions that firing was to be restrained?

A. Not by that time.

Q. Were any instructions to that effect received on the morning of the 6th?

A. Yes. I was at the Civil Lines Police Station when I received orders from the Chief Minister to the effect that firing was not to be resorted to unless the mob attacked the police station or the officers. These orders were in the form of a cyclo-styled pamphlet.

Q. Did you ever receive any instructions from your District Magistrate in regard to firing?

A. We had a Magistrate's meeting on 28th February presided over by the District Magistrate. The decision then taken was that no force was to be used unless we were forced to do so and even then the minimum force was to be used.

Cross-examination by C.A. Nazir Ahmad Khan on behalf of
Jama'at-i-Islami:-

I went to Koswali Police Station at 2 o'clock in the afternoon of 4th March. Some persons there informed me and Sayyed Firdaus Saah, D.S.P., that there was a rumour in the town that the police had resorted to firing in Chowk Dalgaran and had kicked at the Holy Quran. The name of the officer, who was supposed to have kicked at the Holy Quran, was not mentioned.

Q. Was there a public meeting between 3 or 4 o'clock on the 4th March outside Delhi Gate?

A. No such meeting is within my knowledge.

Q. And if there had been any meeting would you have seen it?

A. If there had been such a meeting I would have received a report in regard to it.

I did not hear that at a public meeting somebody had shown torn leaves of the Holy Quran to the audience, saying that these were the leaves of the Holy Quran which had been kicked by a police officer near Chowk Dalgaran.

Q. Did you have any loud-speaker in Chowk Dalgaran when the mob was dispersed there?

A. We had a police van carrying a loud-speaker.

This loud-speaker was not used, so far as I know, on this occasion.

Q. When firing became necessary, did the orders require you to shoot and kill or merely to disperse the mob?

A. When firing is ordered the intention is always to kill.

There was no firing on the night of 2nd and 3rd March or during the daytime of 4th March. During the firing on the night of 4th and 5th March there might have been some casualties but I am not sure.

Cross-examination by Ch. Yacub Ali Khan, advocate, on behalf of Mr. Daultana:-

Q. Was there a good deal of shooting on the night of 5th and during the daytime of 6th, before Martial Law was declared?

A. I was not on duty on the night of 5th/6th March. No firing took place in my presence, nor did I hear that there had been a firing anywhere on the morning of the 6th before Martial Law was declared.

I do not remember whose sign was the order, regarding relaxation in firing contained in the pamphlet I have mentioned above, but I saw this pamphlet, because some officer from the Public Relations Department, whose name I do not now remember, entrusted this pamphlet to me and asked me to accompany him to distribute the pamphlet.

Q. I put it to you that this pamphlet contained merely

Mr. Daultana's statement of 6th March, which was intended to be broadcast to the public. Is that so?

A. It may be so, but I definitely remember that it contained a

paragraph relating to firing.

Q. Was the pamphlet the same as forms appendix 13 of Mr.

Daultana's written statement? (The witness is shown the document.)

A. It may be this. It is quite possible that this was the document.

Q. Does it refer to firing?

A. Yes.

Q. Did the Chief Minister, on 6th March, issue any fresh instructions regarding firing?

A. I do not know.

Q. Was any record prepared of the decisions taken at the magistrates' conference on 28th February?

A. No. The District Magistrate might himself have kept a memorandum. We had express instructions from the District Magistrate that law and order was to be strictly maintained and one of the orders was that processions should not be permitted to go on to the Mall Road.

R.O.B.A.C.

3rd October 1953.

Sd/- M. Munir
President.

Witness No. 41 (Called by Court):

Malik Khan Bahadur Khan, Superintendent of Police, Punjab Constabulary, on solemn affirmation :-

Q. Were you present at the time of the incident in Chowk Daigaran on 4th/5th March?

A. Yes.

Q. What happened?

A. I was in Police Station Civil Lines when I received

information that there was a large-scale disturbance in Ch Chowk Dalgaran and that police was being surrounded by the mob. I took one armed reserve with me and went to the scene.

There I saw a large crowd and a body of volunteers. The crowd was asked to disperse, but it started throwing stones at us. Some stones were flung from house-tops. Sayyed Hasanat Ahmad, City Magistrate, who was present, ordered lathi-charge. The crowd began to disperse, but shortly afterwards it re-assembled. Then a tear-gas bomb was thrown.. The crowd then dispersed.

Q. What happened to the volunteers ?

A. They were put into the lorries, but I do not know where they were taken to.

Q. Do you remember if any police officer kicked an elderly man who was carrying a homail?

A. The insinuation is wholly unfounded.

Q. Was any one killed?

A. None.

Q. How many men were seriously injured?

A. None seriously, though, no doubt, some injuries were caused to men in dispersing the crowd.

Cross-examination:- Nil.

R.O.&A.C.

3rd September 1953.

Sd/- Munir
President.

Adjourned to Tuesday, the 6th September, 1953.

3rd September 1953.

Sd/- M. Munir
President.

6th October 1953.

28th sitting.

Present:

The Hon'ble Mr. Justice Muhammad Nunir,

Chief Justice,

President,

The Hon'ble Mr. Justice M.R.Kayani, Member.

.....

Mr. Fazal Ilahi, Advocate, for the Punjab

Government.

Mr. Yaqub Ali Khan, Advocate, assisted by

Messrs. Abdul Aziz and Said Akbar, Advocates

for Mr. Daultana.

Mr. Bashir Ahmad, Advocate, assisted by

Messrs. Asadullah Khan, Ghulam Murtaza

and Abdur Rahman Khadim, for Sadr Anjuman

Ahmadiyya Rabwah.

Mr. H.S. Suhrawardy, Advocate, for the Majlis-

i-Amal.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-

Ahrar.

Mr. Ghias Muhammad, Advocate, for the Jama'at-i-

Islami.

Witness No.42 (Called by Ahrar)

Sayyed Muzaffar Ali Shamsi, now a prisoner in the

Central Jail, Lahore, on S.A.-

Examination by Mr. Mazhar Ali Azhar, Advocate,
on behalf of Majlis-i-Ahrar:- Nil.

Examination-in-Chief by Mr. H.S. Suhrawardy,
Advocate, on behalf of Majlis-i-Ahwal:-

I was present at the convention of All Muslim Parties held in Lahore on 13th July 1952. I was one of the conveners of that convention. A Majlis-i-Ahwal was constituted at the convention, which included representatives of the various religious organizations. The General Secretary of the Majlis-i-Ahwal was Maulana Daud Ghaznavi. I was the Secretary of that convention. The President was Maulana Abul Hasanat and the Vice President Maulana Amin Ahmed Islahi of Jama'at-i-Islami.

I originally belong to Dina Nagar in the Gurdaspur district, which is about 35 miles from Qadian. I was the General Secretary of Gurdaspur Shia League. Before 1939 there used to be no Shia Majlis in Qadian. For the first time in that year I organized a Shia Majlis there and thereafter every year a Majlis used to be held there under my organization until 1946.

Q. Why did you consider it necessary to celebrate the

Chahalm of Hazrat Imam Husain in Qadian?

A. Because Mirza Ghulam Ahmad of Qadian and his subsequent

Khulifas used to say disrespectful things about the Ahl-i-Bait in public meetings outside Qadian, I considered it

necessary to hold Majlis-i-Shia in Qadian itself.

Court Q. - When did the Qadianis say such disrespectful things?

A. They used to come to Dina Nagar for the purpose of holding munaziras with the Arya Samaj. After the munaziras, they used to hold public meetings in which they used to say that the other Muslims were misguided people and that the true Islam was that which they themselves represented. They also used to say disrespectful things about the Ahl-i-Bait.

To Mr. K.S. Suhrawardy, contd.-

Invitations for the Majlis-i-Shia at Qadian used to be issued to all the Shia Ulama of undivided India, and on two occasions Mr. Musaffer Ali Khan Qasibash presided over the Majlis. Sayyed Hadi Ali Shah, Mayor, Lahore Corporation, also presided over one of the meetings. There were other prominent Shias who also joined and presided over those Majlis.

I have never been a member of Majlis-i-Ahrar.

I belong to a Shamsi family and am the grandson of Hazrat Pir Banne Shah Shamsi. Before the Partition I was the Sajjada-Nashin of the shrine of Hazrat Pir Banne Shah Shamsi in Dina Nagar. There are thousands of disciples of that shrine.

The Majlis-i-Chehlan was first initiated by my father in the Punjab about 80 years ago.

Court Question:- Have you any knowledge as to the date since when the Majlis-i-Chehlan was being held in other places in India?

A. Such Majlis were being held in other parts of India during the times of Cudh kings and perhaps much earlier.

Court Question:- When did Dabir and Anis write their Marasi?

A. In the time of Wajid Ali Shah.

To Mr. H.S. Suhrawardy, contd.-

I am the Secretary of the Idara-i-Tahaffuz-i-daqua-i-Shia.

Court Q.- What particular rights do the Shias have in Pakistan which you wish to preserve?

A. There are certain religious practices peculiar to the Shias, and for an observance of these practices without restraint, it is necessary that there should be/body to take up such matters with the Government.

To Mr. H.S. Suhrawardy, contd.-

Probably on 29th August I was one of the persons who waited in a deputation to the Chief Minister of the Punjab.

Other members of the deputation were:-

- (1) Maulana Daud Ghaznavi,
- (2) Maulana Abul Hasanat,
- (3) Maulana Murtaza Ahmad Khan Maikash,
- (4) Maulana Sheikh Hissam-ud-Din, and

one or two other persons. We presented to him a written memorandum containing certain grievances against the Ahmadis. The complaints related to undeserved allotments to Ahmadis in the Punjab, the aggressive conduct of the Ahmadis in public offices, etc. There were also certain demands mentioned in that memorandum which related to the Centre, as for instance, the demand requiring the Ahmadis to be declared a minority and the removal of Ch. Muhammad Zafarullah Khan from the Central Cabinet. The Chief Minister said that he had nothing to do with the demands which were within the competence of the Centre but that he would look into the complaints that related to the provincial sphere. There was a large number of public meetings held against the Ahmadis in the Punjab and I attended some of them.

I attended the All Pakistan Muslim Parties Convention in Karachi that was held on 16th, 17th and 18th January 1953. This convention was held in the house of Haji Maula Bakhsh, M.L.A. This convention was attended by about 300 Ulama.

The convention was held at the house of Haji Maula Bakhsh because Kirachi was under a ban issued by the Chief Commissioner against public meetings. At the convention a sub-committee was appointed to draft resolutions that were submitted to the convention in its general meeting on 18th January. I was one of the members of that sub-committee. Other members of the sub-committee were :-

- (1) Maulana Abul Ala Maudoodi of Jama'at-i-Islami,
- (2) Maulana Ehtisham-ul-Haq,
- (3) Maulana Abdul Hamid Badayuni,
- (4) Maulana Hafiz Kifayat Hussain,
- (5) Maulana Daud Ghasnavi,
- (6) Maulana Shamsul Haq of East Bengal,
- (7) Pir Sahib of Barsina Sharif, East Bengal,
- (8) Maulana Muhammad Yusuf Selouttevi,
- (9) Maulana Athar Ali of East Bengal, and
- (10) Master Tajud Din Ansari.

The first and the only meeting of the sub-committee was held at the residence of Haji Maula Bakhsh at 7-30 p.m. on the night of 17th-18th January 1953. At that meeting Maulana Abul Ala Maudoodi suggested that since the amendment to the Basic Principles Committee's report had been agreed upon, the question relating to the Annadhis should also be referred to

the body of Ulema and incorporated among the amendments. The majority of the members, however, were against this proposal. Eventually it was decided that Maulana Abul Ala Maudoodi's view should be placed before the general meeting that was to be held on the morning of 18th January. The Sub-committee also decided to serve one month's notice on the Prime Minister because all previous efforts made with a view to obtaining the concession of demands had failed.

The general meeting was held at the residence of Haji Maula Bakhsh at 10 o'clock on 18th January. Maulana Maudoodi's proposal was mentioned at that meeting but nobody would agree to the proposal because the question raised in the demands relating to the Ahmadis was a separate and independent question. On this Maulana Maudoodi observed that if that was the opinion of all other members he would not press his point of view. It was decided at the meeting to draft a formal resolution which had to be presented in the form of an ultimatum to the Prime Minister. I wrote out that resolution which was dictated jointly by Hafiz Kifayat Hussain, Maulana Abul Ala Maudoodi, Master Tajad Din Ansari and Maulana Abdul Hamid Sadeqvi. The resolution as drafted was passed unanimously by the meeting. Another

sub-committee of 15 members was appointed of which eight members were elected on the spot and the remaining seven were to be co-opted by the elected members in the evening at the meeting of the sub-committee of eight. I was not a member of the committee of eight, but I was present at its evening meeting when the seven other members were co-opted. In fact, I was acting as the secretary of that sub-committee because no secretary had been appointed.

The meeting of the sub-committee was held in the office of Khair-i-Nabuwat movement on Bunder Road, Karachi, at 8 o'clock in the evening. Maulana Abul Ala Maudoodi was not present at the meeting, but he was represented by Maulana Sultan Ahmad, Amir Jama'at, Sind and Karachi.

Earlier at a dinner party Maulana Maudoodi had expressed his inability to be present at the evening meeting and stated that Maulana Sultan Ahmad would participate in the deliberations on his behalf. In compliance with the decisions taken earlier by the sub-committee, a deputation waited on the Prime Minister on 22nd January 1953. I was one of the members of that deputation; the other members being:-

- (1) Master Tajud Din,
- (2) Maulana Athar Ali Sahib,
- (3) Pir Sahib of Sarsina Sharif, East Bengal,

(4) Maulana Abdul Hamid Bedayuni, and

(5) Maulana Lal Hussain Akhtar.

We had a long talk with the Prime Minister. He

suggested to us that we should refrain from

presenting the ultimatum because he himself was

a Musalman and that he wanted the Musalmans to

be successful in his ^{own} time, but that the present time

was inopportune for the presentation

of the demands. He said since we had given one month's notice,

he would consider the demands. We were also advised to

think over the situation.

Court Question: Was anything said about Ijma'-i-Ummat at this meeting?

A. No.

To Mr. H.S. Suhrawardy, contd.-

Thereafter I returned to Lahore and took part in several meetings that were held here.

Subsequently, on 16th February, we had another interview with the Prime Minister when he came to Lahore.

With me on that occasion were:-

- (1) Maulana Abul Hasanat,
- (2) Maulana Akhtar Ali Khan,
- (3) Master Tajud Din,
- (4) Maulana Khadim Husain, and
- (5) Ch. Shahabud Din, who belongs to Maulana Akhtar Ali Khan's group.

We reminded him that the time for the ultimatum was expiring. He said that he was in full agreement with the movement but that if he turned Ch. Muhammad Zafarullah Khan out of the Cabinet, the United States of America would refuse to give wheat to Pakistan and Great Britain would be displeased. He said that a communication had been received from Indonesia through their Ambassador that their love for Pakistan was due to Ch. Muhammad Zafarullah Khan being in the Central Cabinet and that the propaganda against him, which was going on in Pakistan, was not being approved of in that country. We asked him if he knew that the Indonesian Ambassador in Pakistan was an Ahmadi. He said that he did not know.

Court Question: Please state the name of the Indonesian

Ambassador, if you know?

A. I do not know his name. He is now dead. He died recently.

To Mr. Suhrawardy, Advocate, for the Majlis-i-Amali,

We had suggested to Khawaja Nazim-ud-Din that the alleged attitude of Indonesia must have been entirely due to that Qadiani Ambassador. He also said that Chaudhry Muhammad Zafarullah Khan was so much liked by General Neguib that the latter had come to receive him at the airport. We told him that this was all due to Pakistan and that General Neguib would have done the same thing if somebody else had been the Foreign Minister of Pakistan. He asked us to wait and also stated that indications of displeasure regarding Pakistan's attitude towards Chaudhry Muhammad Zafarullah Khan were also being received from Holland. We told him that this must have been due to the Pakistan Charge d'Affaires, Sayyed Lal Shah Bokhari, who had been sent to Holland because he had become an Ahmadi. (Mr. Bashir Ahmad, representing the Sadr Anjuman-i-Ahmadiyya Rabwah, when questioned whether it was admitted that Sayyed Lal Shah Bokhari had become an Ahmadi, denied this and reminded the Court that the witness should be warned that he is making a statement on oath and that he should state only what is true to his personal

To Mr. Subarawardy, Advocate, for the Majlis-i-Amal:

We had suggested to Khawaja Nazim-ud-Din that the alleged attitude of Indonesia must have been entirely due to that Qadiani Ambassador. He also said that Chaudhry Muhammad Zafarullah Khan was so much liked by General Neguib that the latter had come to receive him at the airport. He told him that this was all due to Pakistan and that General Neguib would have done the same thing if somebody else had been the Foreign Minister of Pakistan. He asked us to wait and also stated that indications of displeasure regarding Pakistan's attitude towards Chaudhry Muhammad Zafarullah Khan were also being received from Holland. We told him that this must have been due to the Pakistan Charge d'Affaires, Sayyed Lal Shah Bokhari, who had been sent to Holland because he had become an Ahmadi. (Mr. Bashir Ahmad, representing the Saif Anjuman-i-Ahmadiyya Rabwah, when questioned whether it was admitted that Sayyed Lal Shah Bokhari had become an Ahmadi, denied this and reminded the Court that the witness should be warned that he is making a statement on oath and that he should state only what is true to his personal

knowledge.)

To Court:

Q. How do you know that Sayyed Lal Shah Bokhari has become an Ahmadi?

A. I have no personal knowledge but it is rumoured Karachi that he has become an Ahmadi.

To Mr. Suhrawardy:

In conclusion, the Prime Minister said that he was not in a position to accept the demands because any such action on his part would cause dissatisfaction in the international world. He asked Maulana Abul Hasanat to come to Karachi for further discussion. At the request of the Prime Minister, Master Taj-ud-Din, Maulana Abul Hasanat and myself left for Karachi on the night of 20th February 1953. Maulana Abdul Kalam Badayuni joined us in the deputation at Karachi. We again met the Prime Minister at his house on the 22nd February. The Prime Minister sent for Sardar Abdur nas Nishtar to take part in the discussion. We again pressed the demands before the Prime Minister. He asked us what we would do if the demands were not accepted. We said we would thank him and pray for his long life because it was an Islamic Government which had been established on votes

obtained in the name of Allah and His Prophet. We again appealed to him to accede to the demands. He said that he was helpless and could not accept the demands. We told him that Ahmadis be declared a non-Muslim minority community in the constitution that was to be framed. He again said that we should move this demand in the Constituent Assembly. We said that as he was the Party Leader, it was his duty to move that resolution in the Constituent Assembly. Finally he said that he was helpless and if he accepted the demands, Pakistan would not be supplied a grain of wheat by the United States of America.

The Prime Minister again sent for me on the morning of 24th February. He said that if the Mullas got the upper hand in the land, the days of the Qattads and the Abbassides would repeat themselves. We told him that it was he who was responsible for the passing of the Objectives Resolution and for setting up the Ulama Board, that our demands followed as a consequence and that he was insulting the Ulama by calling them Mullas. I asked him since when had he become the defender of the Shias.

To Court:

Q. Who is a Mulla?

A. Mulla is a derisive term for an Alim.

Q. Do you know anything about the Mullas of Iran?

What did the Mullas do in Iran?

A. Iran had many periods of Mullas.

To Mr. Suhrawardy:

Khawaja Nazim-ud-Din asked me to dissociate myself from the movement. I said that as a Shia I considered the doctrine of Khatm-i-Nabuwat dearer to me than to the other Muslims and that if I dissociated myself from it, I would cease to be a Muslim. He said that if I dissociated myself from it and proclaimed it, he would look after the interests of the Shias. He told me that he was anxious to take a Shia as a Minister in the Cabinet if I could suggest a name. I suggested the name of Mr. Jamil Husain Rizvi. He said that if I proclaimed my dissociation from the movement, he would accept the demands of the Shias. I said that if he proclaimed this decision, I would convene a meeting of the Shias and tell ^{them} that I had obtained these rights for them by betraying the Muslim cause. He was not prepared to announce it but only asked me to dissociate myself

from the movement. I replied that over the doctrine of Khatm-i-Nabuwwat I would even go to the extent of carrying the shoes of other Muslims but would not desist whatever hardship I might have to suffer. I suggested to him that he should send for the Ulama once more and explain his helplessness to them. I explained to the Prime Minister that the Ulama did not like any "ghar" but only "khair" in the land.

A meeting of the fifteen members of the sub-committee appointed by the convention was held on the morning of the 26th at 9 o'clock. The second meeting of this sub-committee was held in the afternoon at 2 o'clock. In the afternoon meeting it was decided that batches of five volunteers each with placards bearing the three demands were to march to the houses of the Governor-General and the Prime Minister by less populated routes. The morning meeting was attended on behalf of the Jama'at-i-Islami by Maulana Sultan Ahmad. As against this decision, Maulana Sultan Ahmad had suggested that the placards should be carried through the populated streets of Karachi. This, however, was not agreed to at the meeting by the

members. At 8-30 p.m. a public meeting was held in Aram Bagh Karachi. This public meeting was organised by the Majlis-i-Amal. This meeting was to be presided over by Maulana Abul Hasnat. We asked him not to attend the meeting because we felt that if we held a meeting and Maulana Abul Hasnat announced the decisions that had been taken, the announcement might cause "ishta'al" to the public. We expected that some compromise might be possible as a result of further deliberations that the Prime Minister might hold with us.

To Court:-

Q. Was it announced at the public meeting that on the following morning batches of volunteers carrying placards would go to the houses of the Governor-General and the Prime Minister?

A. No. The announcement was that another meeting would be held on the following morning in the same place and that further programme would then be announced.

To Mr. Suberaward:-

Q. Did you at this public meeting announce what decision had been taken in the morning?

A. What I announced was that we had been compelled to come to a certain decision at the meeting of the Majlis-i-Amal

and I explained the decision to them.

To Court:-

Q. What were the decisions announced?

A. The decision was that batches of five volunteers each were to go to the houses of the Governor-General and the Prime Minister from the following morning.

We told the people that because the president had not come, the public should again assemble in the same place on the following day when it would be explained to them what action should be taken because in the meantime we were hoping that some settlement with Government might be arrived at.

and I explained the decision to them.

To Court:-

Q. What were the decisions announced?

A. The decision was that batches of five volunteers

each were to go to the houses of the Governor-General

and the Prime Minister from the following morning.

We told the people that because the president had not come, the public should again assemble in the same place on the following day when it would be explained to

them what action should be taken because in the meantime we were hoping that some settlement with Government might be arrived at.

I also told them that the person, who had the right to make an announcement, namely Maulana Abul Hasanat, the Mignan-i-Ala, was not present that day and that he would attend the next day's meeting and tell them what to do. Thereafter, Maulana Ata Ullah Shah Bokhari made a speech; the meeting then dispersed with prayers.

I returned to the office of Khatm-i-Nabuwwat at about 1 o'clock. At about 3.30 A.M. the police came and arrested me.

Q. Did you, at the public meeting held in the evening, ask the people to engage in violence?

A. Certainly not.

Cross-examination by Mr. Fazal Ilahi, on behalf of the Punjab

Government:-

Q. Were you making public speeches to the effect that in this movement Muslims should be prepared to sacrifice their lives in exactly the same way as in Kartala and that the movement was in the form of a war (jang)?

A. Yes.

Q. Did you also make a speech at Lahore to the effect that this question had to be settled and that it was immaterial whether it be settled by violence or otherwise?

A. No.

Q. Please look at Exhibit D.2./42 and say whether it is the speech that you made on the occasion?

A. Yes, this report is correct, but the reference to bad amri in that speech is incorrect.

Q. Did you make a speech in Multan at the time of the Kuf incident?

A. Yes.

Q. Was this the speech you made (Ex. D.E./43)?

A. Yes, but I did not say about Mirza Ghulam Ahmad the precise words which are reported in this speech.

Q. Did you also make the speech (Ex. D.E./44) at Chuharkane,

reported in the issue of "Azad" dated 24th October 1952?

A. Yes, but I did not, in that speech, use the following words:

آج وقتان پہونچا ہے کہ مرزاؤں کو سلطانوں سے جدا کیا جائے۔ جو شخص ہمیں کفر کہے
ہم اسے وزارت کی گدی دین۔ شاید ہمارے ارباب ہست و کیشاد کو خدا اور قیامت یاد نہیں۔
حکومتِ حنت البقیع۔ مسجد اقصیٰ۔ دارالرحمت۔ ہمارا المصحیح کے الفاظ کا استعمال کرنا ممنوع
قرار ہے۔ کیونکہ یہ نام سلطانوں کے مقامات مقدسہ سے تعلق رکھتے ہیں۔ کہاں حکمرانوں کو رسول
ام الحسن و الحسنین فاطمہ الزہراء کی آخری اسلام گاہ حنت البقیع۔ امیر کہاں قادیان کے انگریزوں
مرزا غلام احمد کی کٹی سرور ہڈیوں کی بنی ہوئی سادھ کا نام حنت البقیع۔ کہاں سرکار مدینہ کے
محبوب کوچہ کا نام دارالرحمت اور کہاں فسق و فجور سے بھرے قادیانی محلہ کا یہ نام۔ جرحِ ثوث
کیون نہیں پڑتا اور ستارے زمین پر کیوں نہیں آ جاتے ہمارے گناہ گار آنکھیں یہ کیا دیکھ رہی ہیں۔

Q. Did you also make the speech (Ex. D.E./45) in Lahore,

reported in the "Zamindar" of 3rd February 1953?

A. Yes.

Q. And what about the speech reported in the "Azad" of 11th February 1953 (Ex. D.E./46)?

A. Yes, I made that speech.

Q. Did you issue the poster printed in the "Zamindar" dated 15th

February 1953 (Ex. D.E./47), as the Secretary of the Majlis-i-Amal?

A. I know nothing about it.

Q. Did the speeches that you admit having ^{made} come to the notice of Government and did the Government take any action against it?

A. No. I know nothing about it.

I am a prisoner under the Security Act of Pakistan. I am, however, ill and Mr. Subramanyam and Maulana Daud Ghaznavi had one interview each with me in the hospital. Maulana Daud

Ghaznavi obtained my signature on the written statement on behalf of the Majlis-i-Amal.

Q. Did you have an interview with the Chief Minister of the

Punjab on 20th February 1953?

A. Yes. I reminded him that he had promised to look into our complaints against the Ahmedis and that he had not done anything till then.

He said that he would look into the matter.

To Mr. Siraj-ud-Din Munir by permission of Court:-

Q. Do the Saifs admit the present Quran as the entire Quran which was revealed to the Holy Prophet?

A. Yes.

Cross-examination by Mr. Asadullah Khan, on behalf of Sadr Anjuman, Rabwah:-

Q. Did you say the following words in your speech at Daska

(Ex. D.E/48)

"آج نے پھر اعلان کیا کہ مرانی حویہ پراپیگنڈہ کرتے ہیں کہ انکے بعد سنی شیمن کو زندہ دیواریں میں چنوا دینگے جن انہیں ماں صاف کہہ دیتا ہوں کہ وہ خوش نہ ہوں پہلے تم اپنی جان بچاؤ جب ہمارے ساتھ کوئی سلوک ہو نیگا وقت آئیگا تم اس سے پہلے کفر گرداؤ تک پہنچ چکے ہو گے۔"

A. I never said anything of the sort.

Q. You have said that the Indonesian Ambassador was an Ahmedi. Did you see that Ambassador?

A. No.

Q. Then how did you say that he was an Ahmadi?

A. I heard it.

Q. How many Shia families were there in Qadian before 1939?

A. Only one house.

Q. Since when that family had been residing there?

A. Since the time of their ancestors.

Q. When did you join the Ahrar in the present movement?

A. I had been working in co-operation with the Majlis-i-Amal and not with the Ahrar.

Q. Have you received any religious education?

A. I acquired my religious education privately at my house.

Q. Do you know Arabic?

A. Yes, very little.

(A simple passage in Arabic was read out to the witness and he failed to understand or translate it.)

Q. What is your general education?

A. I have passed the Matriculation examination.

Q. Since when have you known Maulana Ata Ullah Shah Bakhari?

A. Since the time he was prosecuted for having made a speech in Qadian, i.e. since 1934.

Q. How old are you now?

A. Thirty-five.

Cross-examination by Mr. Yaqub Ali Khan on behalf of Mr. Daultana:-

Q. Please look at the advertisement in the issue of *Zamindar dated 6th November 1952 (Ex.D.E./17) and say whether it was issued by you as Secretary of the Majlis-i-Amel?

A. This advertisement was never issued by me.

Q. Did you celebrate a Yaum-i-Mutalebat in Lahore on 18th July

A. Yes.

Q. Was any Yaum-i-Mutalebat or Khatm-i-Nabuwwat week celebrated subsequently?

A. None.

To Court:-

Q. How do you explain the insertion of this advertisement in the paper?

A. Those, who published this advertisement, should know it.

Cross-examination by Mr. Yaqub Ali Khan continued :-

Q. Was any inquiry made from you about this advertisement?

A. No inquiry was made from me about this advertisement.

Exhibit D.E./22 is the memorandum that was presented to the Chief Minister when we met him on 29th August 1952.

Q. Did the Chief Minister then say that he was in sympathy with the movement, but that the movement should be directed against Karachi?

A. No, he did not say anything about this.

Q. Did the Chief Minister, when you saw him on 20th February,

say that the agitation should be directed against the Central Government, so that the Prime Minister of Pakistan should request the Chief Minister to stop it?

A. No.

Q. Were you tortured while you were in jail and did any police officer tell you that you should make a statement against Mr. Daultana?

A. No.

To Court:

Q. What were you doing in Gurdaspur before the Partition?

A. At Dina Nager there is a rice market and I was a commission agent there. I also had piri-muridi.

Q. Were you paying any incometax before the Partition?

A. I was carrying on the business of commission agent in partnership with certain Hindus. The firm was paying some income-tax.

Q. What was the name of that firm.

A. Dev Raj and Boota Mal.

Q. How many partners were there?

A. Three, two Hindus and myself.

Q. Was any land attached to the shrine of Hazrat Banno Sheh?

A. No.

I was, as I have already stated, Sajjada Nashin of that shrine.

Q. What was the number of your followers?

A. Thousands.

Q. Did they make any payment to you?

A. There used to be an anniversary of the shrine and people used to make their offerings.

Q. Were you also a Zakir?

A. Yes, and I am still a Zakir.

Q. Do you take any money for going about as Zakir?

A. Yes.

Q. Are you a Wa'iz.

A. Yes, I am also a Wa'iz.

Q. Do you know the word "Tebarru"?

A. Yes.

Q. What is the literal meaning of the word?

A. It means, to be away from a certain thing.

Q. Are you fully conversant with Hadis?

A. I know something about it.

Q. What is the meaning of Ahl-i-Bait?

A. The family of the Prophet.

Q. Do you include Hazret Aisaa, one of the wives of the Holy Prophet, among Ahl-i-Bait?

A. No.

Q. How many Imams do you believe in?

A. Twelve.

Q. Are you waiting for any more Imam?

A. Yes, for Imam Mehdi-us-Zaman.

Q. Will Imam Mehdi-us-Zaman be recipient of Ilham or Wahi?

A. He will be the subject of Ilham.

Q. Are the twelve Imams Ma'soomeen?

A. Yes.

Q. Are they the inheritors of a "Nur" which existed
before the birth of Adam?

A. Yes.

Q. Were the 12 Imams recipients of Ilham?

A. Yes.

Q. What is Sunnah?

A. The doings and sayings of the Holy Prophet.

Q. Is the growing of a beard Sunnah?

A. Yes.

Q. Then why don't you grow a beard? Do you dislike this
part of the Sunnah?

A. It is an omission on my part.

Q. What is Rast Aqdam?

A. A demand for one's legitimate right.

Q. Did you consider that the Rast Aqdam was a constitutional
method of pressing your demands?

A. Yes.

Q. Please describe the constitutional method of pressing a demand?

A. Not to indulge in violence and to press the demand.

Q. If Khwaja Nazim-ud-Din honestly believed that it was impossible to obtain any wheat for Pakistan from anywhere except through the personal influence of Cn. Muhammad Zafarullah Khan, do you think he should have refused the supply of such wheat and allowed thousands of persons in Pakistan to starve?

A. If this wheat could be obtained only by selling one's religion, it was better that people in this country starved and died. ✓

In Dina Nagar I had a small piece of land within the Municipal limits.

Q. Any allotment of land to you in Pakistan?

A. Yes. I have been allotted a garden of 8 ghumaons of mangoes.

Q. What is its annual income?

A. Rupees 1200/- for 1300/-.

I am also running a fortnightly paper called "Shahid".

Q. Maulana Abul Hasanat, giving evidence before this

Court has stated as follows:-

"It was announced at the public meeting that on the following morning volunteers would be picketing the

houses of the Premier and the Governor-General."

Has he stated the truth?

A. This statement must be held to be wrong because he was not in the meeting in which the announcement was made.

Q. Maulana Abul Hasanat has given further details of what transpired at that public meeting. Is all this untrue?

A. He must have been mentioning what he heard. I am quite definite that he was not present at that public meeting.

(At the suggestion of Mr. Bashir Ahmed, Advocate, for Sadar Anjuman Ahmediya, Rabwah):

Q. Is the status of the 12 Shia Imams higher than that of all Prophets other than our Holy Prophet?

A. No, there is a difference between a Nabi and an Imam. An Imam is never superior to a Nabi, unless he himself becomes a Nabi.

R.O.A.A.C.

Sd/- M. Munir
President.

6th October 1953.

Sd/- M. R. Kayani
Member.

Proceedings adjourned till tomorrow.

Sd/- M. Munir
President.

6th October 1953.

Sd/- M. R. Kayani
Member.

Witness No. 42 (Re-called by Court)

Sayyed Muzaffar Ali Shamsi, now a prisoner in
the Central Jail, Lahore, on S.A:-

Q. Was a public meeting held in Karachi on 16th
January 1953?

A. No.

Q. Was anything decided about sending volunteers in
the proceedings of the Convention or the Majlis-i-Amal
from 16th to 18th January 1953?

A. No.

Q. What is riba?

A. I do not know.

Q. Did your business, which you were carrying on in
partnership with the hindus, involve negotiation
of Hundis?

A. Yes.

Q. Were those Hundis discounted?

A. Yes.

Q. Does the discounting of Hundis involve charging of
interest?

A. Yes.

Q. What are your religious views about the charging of interest?

A. I consider the giving and taking of interest as a sin.

Q. Did you feel anything wrong with your profits of business that were derived by a process which involved the paying and charging of interest?

A. In settling my accounts with them interest was not calculated.

Q. What is jalab-i-manfa'at?

A. To derive benefit.

Q. Did you not consider it wrong to derive gain from the business which you were carrying on in partnership with the kuffar?

A. I considered nothing wrong with it.

Q. Can the business of Government be carried on by the association of kuffar with it?

A. Yes, provided the kafir or kuffar, who are associating with Government do not attempt to injure our religion. If, on the other hand, the kafir or kuffar attempt to injure the State and our religion, then we cannot have anything to do with him or them, and it will not be right to associate such people with the administration of the country.

Q. You said yesterday that we could not accept wheat if it involved the selling of our religion. What did you mean by this?

A. I consider the United States of America and Great Britain as

enemies of the Islamic world and Chaudhri Muhammad

Zafarullah Khan, whom I consider to be a kafir, as their agent. Therefore, anything transacted through Chaudhri Muhammad Zafarullah Khan must be held to be bargaining with our religion.

Q. Do you consider it right that any demands, which are political and constitutional should be pressed by direct action?

A. If the demands are political, I would not consider the possibility of taking direct action even for a minute. In present case, the demands were based purely on religion and I consider it right to press such demands by resorting to direct action of the kind which I explained yesterday.

Q. Now that the wheat has arrived, is it haram for Musselmans?

A. I cannot answer this question. Let the Ulama give a fatwa.

To Mr. Yasqut Ali Khan (by permission of the Court):-

Q. Please recollect whether the date on which you met the Chief

Minister of the Punjab was 29th August or 29th September?

A. As far as I remember it was 29th August and not 29th September.

(NOTE:- The witness points out that, as reported in the proceedings of yesterday, he had not used the word "wrong" in connection with Abul Hasanat's statement about what was said regarding the volunteers at a public meeting held on the evening of 26th February 1953. What he had said was that he did not agree with the Maulana's statement.)

To Mr. H.S. Suhrawardy (by permission of the Court):-

Q. Did you believe the Prime Minister when he said that

wheat could not be procured for Pakistan without the
intervention of Ghaudhri Muhammad Zafarullah Khan?

A. I thought he was prevaricating.

Q. Do you think that wheat has been procured for Pakistan
through the influence of Ghaudhri Muhammad Zafarullah
Khan?

A. No.

R.O.K.A.C.

Sd/- M. Munir
PRESIDENT.

7th October 1953.

Sd/- M. R. Kayani
MEMBER.